



An
Bord
Pleanála

Inspector's Report

ABP-315884-23

Development	Construction of 60 no. residential units.
Location	Morristownbiller, Newbridge,, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	22599
Applicant(s)	Dwellings Development Newbridge Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Dwellings Development Newbridge Limited
Observer(s)	None
Date of Site Inspection	26 th February 2024
Inspector	Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located at Lakeside Park residential estate c. 1km west of Newbridge town centre. The site is bound to the north by the rear garden / yard of a large detached dwelling that fronts onto Morristown Road, to the south by a linear strip of green space associated with Highfield Estate, to the east by open space / a tarmac area (basketball courts) and the rear garden of 4 no. dwellings in Lakeside Park and to the west by St. Patricks National School and the rear garden of a detached dwelling fronting onto Morristown Road. The surrounding area is suburban in nature.
- 1.2. The site has a stated area of c. 1.8ha and is generally rectangular in shape. The site boundaries comprise a variety of blockwork walls, metal fence and hedgerows and trees.
- 1.3. The appeal site includes c. 0.08ha of land in control of Kildare County Council to facilitate a connection to existing services and the upgrading of the proposed vehicular entrance and footpath from the site eastern boundary with Lakeside Park.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 60 no. residential units. All residential units are 2-storeys in height. Vehicular access is proposed from Lakeside Park to the east of the appeal site with an additional pedestrian access from the sites southern boundary with Highfield Estate. The proposed scheme includes public and private open space, car parking, bin storage, public lighting landscaping, boundary treatments and all associated works to facilitate the proposed development.
- 2.2. In response to a request for further information the number of residential units was reduced to 58, comprising 54 no. houses and 4 no. apartments.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for the following reasons:

1. Notwithstanding the mitigation measures outlined in the Site Specific Flood Risk Assessment Reports submitted with the application and in response to the request for Further Information, the Planning Authority notes that the site is located adjacent to an area prone to flooding and to the Dara Park Flood Relief Scheme. The applicant has not adequately demonstrated to the satisfaction of the Planning Authority that pluvial flood risk or residual flood risk has been satisfactorily mitigated against and the proposed development would not adversely impact the capacity of the Dara Park Flood Relief Scheme and give rise to an increased risk of flooding in the area. Furthermore, Policy SW5 of the Kildare County Development Plan 2017-2023 seeks to *'manage flood risk in the county in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, ... paying particular attention to residual flood risk and any proposed site-specific flood management measures'*. It is considered that the proposed development would, therefore, be contrary to the provisions of the Section 28 Guidelines *'Planning System and Flood Risk Management - Guidelines for Planning Authorities'* (2009) and Policy SW5 of the Kildare County Development Plan, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. Policy SW 14 of the Kildare County Development Plan 2017-2023 seeks to *'ensure that development will not interfere with or interrupt existing surface water drainage systems'*. Based on the information submitted with the application, it is considered that the proposed drainage and SuDS Strategy does not represent a coherent or safe approach to surface water management for the site. In the absence of significant detailing in relation to surface water drainage, the Applicant has not demonstrated to the satisfaction of the Planning Authority, that surface water can be dealt with adequately within the curtilage of the site or would not adversely impact on surface water drainage in the area. The proposed development is therefore contrary to Policy SW 14 of the Kildare County Development Plan 2017-2023, could lead to conditions which would be prejudicial to public health and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report dated 7th July 2022 raised some concerns regarding the proposed scheme and recommended that further information be sought regarding 14 no. items. These items are summarised below:

1. (a) Submit revised layout to provide passive surveillance of the area of public open space area.

(b) Submit revised layout to provide additional pedestrian / cycle connections at the sites boundaries.

(c) Submit revised layout to provide active frontage onto the street, with particular regard to units 25 and 26.

(d) Address concerns raised regarding the relationship between the front building line of apartments 36-39 and units 35 and 40 and between apartments 48 and 49 and unit 50.

(e) Address concerns regarding the uniform design and the lack of architectural detailing on the front elevation of the proposed residential units.

(f) Ensure all footpaths are located to the rear of the car parking spaces.

(g) Submit revised layout to provide cycle paths within the scheme.

(h) Clarification regarding bin and cycle storage.

(i) address concerns regarding the provision of gardens for the apartments.
2. Submit additional photomontages.
3. Submit proposals for traffic calming measures within the scheme.
4. Submit proposals for nature based drainage solutions.
5. Further consideration of the timber panel boundary treatment between dwellings.
6. Submit calculations and a methodology outlining how the proposed number of Part V units equates to 20%, as required.
7. Submit a drainage and SuDS strategy.
8. Clarification of the proposed surface water outfall pipe.

9. Submit a Preliminary Design Stage Surface Water Audit
10. Submit revised drainage layout drawings and SuDS construction detail drawings.
11. Address the impact of the surface water design proposals on the Dara Park Surface Water Drainage Scheme.
12. Submit revised Flood Risk Assessment
13. Submit details of EV charge points and footpath widths.
14. Submit a Public Lighting Report and Site Lighting Layout.

The response to the request for further information was considered to be significant and revised public notices were submitted on the 5th January 2023.

The planners report dated 24th January 2023 considered that the response to further information did not adequately address the concerns raised and recommended that permission be refused for the 2 no. reasons outlined above.

3.2.2. *Other Technical Reports*

Environment Section: Report dated 23rd June 2022 raised no objection subject to conditions.

Strategic Planning and Public Realm: Report dated 24th June 2022 recommended that further information be sought regarding the design approach.

Chief Fire Officer: Report dated 30th June 2022 raised no objection subject to conditions.

Water Services: Report dated 30th June 2022 recommended that further information be sought regarding surface water drainage and attenuation and flood risk. The report includes surface water guidance notes. Report dated 18th January 2023 considered that the response to further information does not adequately address the concerns raised.

Roads, Transportation and Public Safety Department: Report dated 6th July 2022 recommended that further information be sought regarding EV charging points, footpath widths and public lighting. Report dated 20th January 2023 raised no objection subject to conditions.

Newbridge Municipal District: Report dated 27th June 2022 (not on file) recommended that further information be sought regard a financial contribution towards the improvement of the existing road and the that the proposed surface water design would not negatively affect the Dara Park Surface Water Drainage Scheme. Report dated 20th January 2023 recommends that permission be refused as the applicant has not adequately demonstrated that the proposed development would not affect the capacity of the Dara Park Flood Relief Scheme.

Housing Section: Report dated 18th January 2023 raised some concerns regarding the Part V proposals.

3.3. Prescribed Bodies

Uisce Eireann: The report dated 1st July 2022 raised no objection subject to conditions.

3.4. Third Party Observations

None

4.0 Relevant Planning History

None

5.0 Policy Context

5.1. *Newbridge Local Area Plan 2013 – 2019 (as extended)*

It is noted that the Newbridge LAP 2025-2031 is currently under review. The Kildare County Council website (www.kildarecoco.ie) states that KCC will have regard to the adopted LAPs until such time as they are reviewed or another plan is made.

The site is located within the settlement boundary for Newbridge and is zoned 'C3' – New Residential with the associated land use objective '*to provide for new residential development*'. Table 17 of the LAP notes that this zoning provides for new residential development and associated ancillary services and that new residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and the landscaping of open space. Table

10 of the LAP notes that the appeal site (1.8ha) has the potential to yield 63 no. residential units.

Newbridge is identified as a Large Growth Town. The town had a population of 21,561 in 2011. Table 4 of the LAP sets out a population target of 23,254 by 2017 and an additional 3,469 residential units by 2019.

The following policies are considered relevant:

Policy SW 5: To require on site surface water attenuation measures if, in the opinion of the council, a development is likely to cause flooding or potentially destructive storm surges in existing water courses.

Policy FRA 1: To apply the general policies, requirements and objectives contained in Chapter 7 (Water, Drainage and Environmental Services) of the Kildare County Development Plan for the purpose of ensuring that flood risk management is fully integrated into the Newbridge Plan

Policy FRA 2: To implement the requirements of the DoEHLG, The Planning System and Flood Risk Management ~ Guidelines for Planning Authorities (2009) and the Newbridge SFRA in the carrying out of functions during the period of the Plan and to update the SFRA for Newbridge as appropriate.

Policy FRA 3: To ensure that any Flood Risk Assessments conducted in respect of development proposals on lands identified in the Newbridge SFRA as requiring site-specific Flood Risk Assessment are undertaken in accordance with the DoEHLG, The Planning System and Flood Risk Management ~ Guidelines for Planning Authorities (2009).

Policy FRA 5: To ensure that new developments incorporate appropriate SuDS facilities, designed, constructed and maintained in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) for treating and controlling the discharge of surface water from developments.

The following policies and objectives are also considered relevant HL 1, HL 3, HL 5, HL 6, HL 8, GMO 2, GMO 10, SRO 2, PKO 2, PKO 5, WS 5, WW 1, WW 2, WW 7, SW 1, SW 4, GI 1, GI 3,

5.2. Kildare County Development Plan 2023-2029

5.2.1. Newbridge is identified as a Self-Sustaining Growth Town in the settlement hierarchy.

The town had a population of 22,742 in 2016 with an estimated population of 24,059 in 2022. Table 2.8 – Core Strategy envisions a population increase of 2,917 and an additional 1,061 residential units for Newbridge, by Q4 2028. To achieve these targets 35 ha of land has been zoned for residential uses with a recommended density target of 35-50 unit per ha.

5.2.2. Chapter 2 Core Strategy and Settlement Strategy, Chapter Housing, Chapter 6 Infrastructure and Environmental Services, Chapter 11 Built and Cultural Heritage, Chapter 14 Urban Design, Placemaking and Regeneration and Chapter 15 Development Management Standards of the development plan are all considered relevant. The following policies and objectives of the development plan are also considered relevant:

- HO P5: Promote residential densities appropriate to its location and surrounding context.
- 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.
- 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.
- HO P7 Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.
- IN O20 Maintain, protect and enhance capacity of the existing surface water drainage systems in the county.
- IN O33 Manage flood risk in the county in accordance with the sequential approach and requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) and

circular PL02/2014 (August 2014), when preparing plans, programmes, and assessing development proposals. To require, for lands identified in the Strategic Flood Risk Assessment, a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, demonstrating compliance with the Guidelines or any updated version of these guidelines, paying particular attention to avoidance of known flood risk, residual flood risks and any proposed site-specific flood management measures.

- IN O23 Require new developments to reduce the generation of storm water run-off and ensure all storm water generated is disposed of on-site OR attenuated and treated prior to discharge to an approved water system, with consideration for the following:
 - The infiltration into the ground through the provision of porous pavement such as permeable paving, swales, and detention basins.
 - The holding of water in storage areas through the construction of green roofs, rainwater harvesting, detention basins, ponds, and wetlands.
 - The slow-down in the movement of water

5.3. ***National Planning Framework***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.
- *National Policy Objective 57*: Enhance water quality and resource management by ... ensuring flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities...

5.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023
- Quality Housing for Sustainable Communities: Design Guidelines, 2007
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

5.5. **Natural Heritage Designations**

The following designated sites are within 15km of the appeal site.

- Pollardstown Fen SAC (000396) c. 1km west of the appeal site.
- Mouds Bog SAC (002331) c. 3km north of the appeal site.
- Ballynafagh Lake SAC (001387) c. 10.6km south of the appeal site

- Ballynafagh Bog SAC (000391) c. 12.5km south of the appeal site.

5.6. EIA Screening

5.6.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Item 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.6.2. The proposed development, as submitted by way of further information, comprises the construction of 58 no. residential units with all associated infrastructure on a site with a stated area of 1.8 ha. The site is located in the urban area (other parts of a built-up area) and is, therefore, below the applicable thresholds. There are no excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and Kildare County Council, upon which its effects would be marginal.

5.6.3. Given the information submitted by the applicant, having carried out a site visit on the 26th February 2024 and to the nature and limited scale of the proposed development, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact

assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the planning authority's decision to refuse permission. The appeal includes a Surface Water Engineering Report and a Sustainable Drainage Risk Assessment. The Engineering Reports issued in response to the request for further information are also attached to the appeal. The main grounds of the appeal are summarised below: -

Flood Risk – first reason for refusal

- The appeal site is located in Flood Zone C and did not require a justification test.
- To mitigate the potential for pluvial flood risk the development incorporates appropriate stormwater management systems that will limit stormwater run-off to existing greenfield rates. No further measures are warranted as the site is elevated relative to adjoining lands and naturally sloping towards the eastern boundary.
- In 2016 KCC carried out a Surface Water Improvement Scheme known as the Dara Park Flood Relief Scheme. It is a combination of nature based and engineered response to surface water in the wider (23ha) urban catchment of Newbridge.
- The scheme includes a detention basin, tree pits, water butts, dry swales etc.
- The development would replicate greenfield runoff rates to the existing surface water network. As such, no additional pluvial risk arises. Ultimately surface water discharges to the River Liffey via an outfall pipe north of the railway line.
- The scheme would not give rise to flooding of the Dara Park Flood Relief Scheme.

Surface Water - second reason for refusal

- The development would not have any impact on the existing surface water drainage system.
- The ground conditions within the site are favourable, with no historic ponding / flooding etc.
- There is ample room within the site to address all pluvial risks within the curtilage of the site, negating the need for highly complex solutions.
- The site is located adjacent to a large public park, which also contains SuDS based systems.
- The proposed design will not interfere or interrupt the existing surface water drainage systems in the area.
- The surface water connection is proposed through lands owned by KCC and a letter of consent was obtained from KCC and attached with the application.
- The attached Surface Water Engineering Report clarifies the detail of the proposed surface water drainage network.
- The detention basin would only contain water in a 1 in 30 storm event. This would quickly dissipate due to the construction detail. The area would function as public open space. Issues regarding safety can and will be addressed prior to commencement of development for the operational phase.
- If there are concerns regarding the approach required by KCC it is feasible to reduce the extent of the detention area by introducing a standard underground Stormtech tank for attenuation.

6.2. Planning Authority Response

The Planning Authority's response to the appeal, which includes comments from the Water Services Department, is summarised below:

- The content of the appeal is noted.
- The applicant has not engaged with the Water Services Department.
- The pluvial and residual flood risk issues remain outstanding.

- Finer detail on the Storm Drain Design Layout drawing is not intelligible.
- The 100 year plus 30% plus 10% storm event water levels, particularly in the proposed attenuation storage areas should be collated and consistent.
- The soil infiltration test results do not indicate that site wide infiltration may be feasible.
- Good drainage – SuDS design practice recommends adequate separation of run off infiltration from buildings and structures including dwellings and walls to prevent damage to sub-structures. This does not appear to be addressed.
- The applicant has not demonstrated that the existing receiving surface water sewer was designed to accommodate surface water run off from the proposed development and that the additional run off would not adversely affect the flood relief scheme.
- Lack of clarity regarding the detail of the SuDS measures.
- The preference is for attenuation to infiltrate run off to ground or use of nature based SuDS such as wetlands, retention ponds or bio-retention areas or suitable combination of these. The appeal does not address the key issue of best practice SuDS Strategy.

In the event that permission is granted it is requested that a condition be attached that the following condition be attached:

Prior to commencement of development and for the written agreement of the Planning Authority, the Applicant shall submit the following:

- a) Plans and elevations for the proposed House Type C1 indicated on site layout plan RSD/22-10-02fi submitted to the Planning Authority on 22/12/22. The elevations of Units 1 and 4 shall provide active frontages onto the adjacent public spaces.
- b) Details of the proposed bin storage for terrace dwellings.
- c) Details including samples, specifications and colours of all external finishes.

Reason: In the interest of clarity and visual amenity.

6.3. Observations

None

6.4. Further Responses

None

7.0 Assessment

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design Approach
- Flood Risk - First Reason for Refusal
- Surface Water Drainage - Second Reason for Refusal.
- Appropriate Assessment

7.2. In the interest of clarity my assessment relates to the scheme of 58 no. residential units, submitted to the planning authority by way of further information on the 22nd February 2023.

7.3. *Principle of Development*

7.3.1. The appeal site is located within the settlement boundary for Newbridge and is zoned 'C3' – New Residential in the Newbridge Local Area Plan (LAP), with the associated land use objective '*to provide for new residential development*'. Table 17 of the LAP notes that this zoning provides for new residential development and associated ancillary services. I am satisfied that the proposed residential use is in accordance with the sites zoning objective and should be assessed on its merits.

7.4. ***Design Approach***

Design and Layout

- 7.4.1. The appeal site currently comprises a greenfield site c. 1km west of Newbridge Town Centre. The appeal site is located within the established suburban area of Newbridge, it is primarily bound to the north, south and east by existing residential estates and associated public open spaces and the west by St. Patricks National School and dwellings fronting onto Morristown Road.
- 7.4.2. The proposed scheme comprises the construction of 58 no. residential units laid out in a traditional gird pattern with a central area of public open space. Vehicular access to the site is proposed from the sites eastern boundary with Lakeside Park residential estate with an additional pedestrian access at the sites southern boundary with Highfield Estate.
- 7.4.3. The proposed residential units comprise 54 no. terraced and semi-detached houses (Unit Type A, B and C) and 4 no. apartments (Unit Type D and E). All units are 2-storeys in height. The unit mix comprises 36 no. (62%) 3-beds, 18 no. (31%) 2-beds and 4 no. (6%) 1-bed units. There are 6 no. different unit types, ranging in size from a 3-bed (114sqm) end of terrace house to a 1-bed (55sqm) apartment. It is noted that the 2-storey corner units (Type A3 and C1) are designed as dual aspect corner units, which allows for passive surveillance of streets and public spaces. This design feature is welcomed. The revised drawings submitted by way of further information include the internal layout for house type A and B, however, the floor plans for dual aspect units / House Types C1 and apartments D and E do not appear to have been submitted. In response to the appeal the planning authority also requested that if permission is being granted that a condition be attached that plans and elevations for the proposed House Type C1, indicating active frontages onto the adjacent public spaces be submitted for agreement.
- 7.4.4. It is noted that the drawings submitted with the original application did include floor plans for the apartment units. In the interest of clarity, if permission is being granted it is recommended that a condition be attached that the floor plans and elevational drawings for Units C1, D and E be submitted for the agreement of the planning authority.

- 7.4.5. The information submitted on the drawings indicate that all houses reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines and the apartments reach and exceed the standards set out in the Apartment Guidelines. It is noted that all units are dual or triple aspect.
- 7.4.6. It is noted that the planning authority raised concerns regarding the uniform design approach to the scheme and requested that this be addressed by way of further information. This resulted in additional architectural detailing to the front elevation of the dwellings, which is welcomed. However, all typologies have a traditional design approach with similar elevational treatments. The predominate external material is render with a cladding / brick feature on the front elevation. Given the proposed number of units I have concerns regarding the lack of variation in external material. It is recommended that 2 no. separate character areas be provided within the scheme, with differing external materials / coloured materials on the front elevation of the residential units. In my view this would improve the visual interest of the scheme and aid with placemaking and legibility. In this regard the dwellings fronting onto the area of public open space would be one character area, with the same external materials and colours, while the remaining units, which provide street frontage to the sites southern and eastern boundary would be a second character area, with a differing external material or colour. It is considered that this could be addressed by way of condition. It is also noted that the planning authority's response to the appeal recommended that if permission is being contemplated that a condition be attached that details including, samples, specifications and colours of all external finishes be agreed prior to commencement of development.
- 7.4.7. In response to the appeal the planning authority also requested that details of the proposed bin storage for terrace dwellings be submitted prior to commencement of development. It would appear from the drawings submitted by way of further information that bin storage for the mid terrace units is provided to the front of the dwelling. I have no objection to the provision of bin storage to the front of the dwellings, however, having regard to the concerns raised in the planners report regarding insufficient space to accommodate the proposed wheelie bin storage, it is recommended that if permission is being contemplated that a condition be attached in this regard.

- 7.4.8. Overall, I have no objection in principle to the proposed design and layout of the scheme and consider it reflective of the established pattern of development. The proposed layout which provides passive surveillance of existing areas of public open space is also welcomed.

Density

- 7.4.9. The proposed scheme has a density of c. 34 units per ha. The development plan does not set out blanket density standards. However, Policy HO P5 aims to promote residential densities appropriate to the sites location and surrounding context. Table 10 of the Newbridge LAP estimates that the appeal site would yield an estimated 63 no. residential units based on a density of 35 units per ha.
- 7.4.10. Newbridge is identified as a Self-Sustaining Growth Town in the development plans Core Strategy. Table 3.6 of the Sustainable Residential Development and Compact Settlements Guidelines sets out density ranges of 30 – 50 units per ha for the suburban / urban expansion of Large Towns. A Large Town is identified as a settlement with a population of over 5,000. The proposed density of 34 units per ha is, therefore, at the low end of the target range.
- 7.4.11. The site is located on zoned and serviced lands in the urban area, in close proximity to a range of services and amenities in Newbridge. The site is also located 700m south (as the crow flies) from Newbridge Train Station and c. 500m north (as the crow flies) from existing bus stops on Edward Street. The bus stops are served by routes 126 which provides connectivity between Rathangan and Dublin city centre. This route operates every 10 minutes in the peak period and at least every hour off peak. Given the sites urban location, its proximity to public transport and a range of services and amenities in Newbridge town centre it is my view that the appeal site is capable of accommodating a higher density, at the higher end of the target set out in the guidelines. However, having regard to the established pattern of development in the wider environs of the appeal site I am satisfied that the proposed density is acceptable and in accordance with the provisions of Table 10 of the Newbridge LAP, Policy HO P5 of the development plan and Table 3.5 of the Sustainable Residential Development and Compact Settlements Guidelines.

Open Space

- 7.4.12. Section 15.6.6 of the development plan states that on greenfield sites a minimum of 15% of the total site area shall be provided as open space. This is generally in accordance with the provisions of Policy and Objective 5.1- Public Open Space of the Sustainable and Compact Settlements Guidelines which sets out a range of 10% - 15% of the net site area as public open space. The proposed scheme incorporates 0.252 ha of public open space, which equates to c. 15% of the total site area. The main area of public open space (1,500sqm) is provided in the northern portion of the scheme, which is directly overlooked by the proposed residential units. The Landscape Master Plan submitted by way of further information indicates that this space would include a kick about area, a natural play area, seating and native planting and trees. I am satisfied that this central area of public open space would provide an appropriate recreational space for future residents.
- 7.4.13. The scheme includes a includes a linear strip of open space (1,020sm) at the sites southern boundary. This area of open space would link to an existing linear strip of open space associated with Highfield Estate. The Landscape Masterplan submitted by way of further information indicates that the existing hedgerow along the sites boundary would be retained and protected with supplementary planting with native species. The retention of the hedgerow is welcomed. The layout provides for a singular pedestrian connection between the areas of public open space. If permission is being granted it is my recommendation that a condition be attached that an additional pedestrian connection point be provided to Highfield Estate at the sites south western corner of the appeal site, adjacent to the proposed turning area. It is noted that this would result in the loss of a section of hedgerow, however, it is my view that the additional connectivity, which would provide a shorter distance to Morristown Road and to the town centre, would be appropriate in this instance. It would also allow for greater passive surveillance of the area of public open space within the existing Highfield Estate, which currently is not overlooked. It is currently bound by the gable (side) walls of 4 no. houses, which have no windows on the side elevation.
- 7.4.14. The scheme also includes linear strips with planting on both sides of the access road from Lakeside Park at the sites eastern boundary. These additional areas of landscape

are welcomed and in my view would improve the visual amenity site, which currently comprises an area of hardstanding.

- 7.4.15. The sites eastern boundary is also adjacent to an existing area of public open space and hardstanding area / basketball court. It is proposed that the majority of the sites eastern boundary would be removed to allow for connectivity. This is welcomed as the layout would provide passive surveillance and in my view an appropriate frontage onto this area of existing open space, which from my site visit on the 26th February 2024 appears to be underutilised.
- 7.4.16. The landscape drawings also indicate that an existing hedgerow at the sites northern boundary and partially at the sites western boundary would be outside of the garden areas of the proposed dwellings and would be retained. The retention of existing hedgerows within the site is welcomed.
- 7.4.17. Overall I have no objection to the quantity or quality of the public open space and consider that it would provide an appropriate level of recreational and passive amenity for future residents and would also improve the visual amenities of the site.

Residential Amenity

- 7.4.18. The appeal site is located in an established suburban area of Newbridge. At the sites southern boundary, the front elevation of house no. 5 – 17 are located a minimum of c. 40m from the side (gable) elevation of existing dwellings in Highfield Estate. The rear elevation of house numbers 1-4 are located c. 25m from the side (gable) elevation of existing dwellings in Highfield Estate.
- 7.4.19. At the sites north eastern boundary, the side (gable) elevation of house no. 59 is located c. 20m from the rear elevation of existing dwellings in Lakeside Park.
- 7.4.20. At the sites western boundary, the side (gable) elevation of house no. 46 is located c. 24m from the rear elevation of an existing dwelling fronting onto Morristown Road and the rear elevations of houses no. 39 – 45 are located a minimum of c. 30m from an existing dwelling fronting onto Morristown Road.

- 7.4.21. To the north the site is bound by open space associated with an existing dwelling fronting on to Morristown Road and does not directly oppose any existing residential units.
- 7.4.22. Having regard to the limited (2-storey) height of the proposed residential units, the separation distances between existing and proposed dwellings and the orientation of the scheme I am satisfied that it would not result in any undue overlooking or have an overbearing impact on any existing dwellings. No concerns were raised by the planning authority regarding a negative impact on existing residential amenity.
- 7.4.23. The proposed scheme is laid out in a grid pattern with a minimum of c. 22m separation distances between the rear elevations of the proposed dwellings. SPPR 1- Separation Distances of the Sustainable and Compact Settlement Guidelines requires a minimum separation distance of 16m is provided between opposing windows serving habitable rooms above ground floor level. It further states that a separation distance below 16m may be considered acceptable in certain circumstances. I am satisfied that the proposed layout would not result in any undue overlooking within the proposed scheme.
- 7.4.24. In addition, the rear elevations of all residential units are a minimum of 10m from the sites boundaries. Therefore, I am satisfied that the proposed layout would not impede the potential future development of adjacent lands.
- 7.4.25. A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance.

Conclusion

7.4.26. In conclusion, I am satisfied that the proposed scheme would result in the creation of a high-quality residential development that would provide a positive contribution to the area and support the consolidation of the urban environment. Therefore, I have no objection to the proposed design approach and consider it represents a reasonable response to its context.

7.5. **Flood Risk - First Reason for Refusal**

7.5.1. The planning authority's first reason for refusal noted that the appeal site is located adjacent to an area prone to flooding and to the Dara Park Flood Relief Scheme and considered that the applicant had not adequately demonstrated that pluvial flood risk or residual flood risk had been satisfactorily mitigated against and the proposed development would not adversely impact the capacity of the Dara Park Flood Relief Scheme and give rise to an increased risk of flooding in the area. It was, therefore, considered that the scheme would be contrary to Policy SW5 of the Kildare County Development Plan 2017-2023 which seeks to *'manage flood risk in the county in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, ... paying particular attention to residual flood risk and any proposed site-specific flood management and to the provisions of the Section 28 Guidelines 'Planning System and Flood Risk Management - Guidelines for Planning Authorities' (2009)'*.

7.5.2. The planning authority assessed the scheme against the provisions of the Kildare County Development Plan 2017 - 2023, which was the relevant statutory plan in place when the application was decided. The current development plan came into effect on the 28th January 2023 and my assessment is based on the policies and objectives of the current statutory plan, which is the Kildare County Development Plan 2023-2029. The reason for refusal relates to Policy SW 5. It is my view that Objective IN O33 of the current plan is now relevant. Objective IN O33 has similar wording to Policy SW 5 of the previous plan. It seeks to *'Manage flood risk in the county in accordance with the sequential approach and requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) and circular PL02/2014 (August 2014), when preparing plans, programmes, and assessing*

development proposals. To require, for lands identified in the Strategic Flood Risk Assessment, a site-specific Flood Risk Assessment to an appropriate level of detail, addressing all potential sources of flood risk, demonstrating compliance with the Guidelines or any updated version of these guidelines, paying particular attention to avoidance of known flood risk, residual flood risks and any proposed site-specific flood management measures.'

7.5.3. The appeal site is located within an area identified in the Newbridge LAP as requiring a Site Specific Flood Risk Assessment (FRA) for any planning applications. A site specific FRA was submitted with the application. In response to the further information request additional engineering reports were prepared regarding pluvial flood risk. These additional reports are also submitted with the appeal.

7.5.4. There are no watercourses within the immediate vicinity of the site. There is a lake to the north east of the site, which forms part of the Dara Park Flood Relief Scheme. The OPW mapping indicates that the appeal site is not at risk of flooding (Flood Zone C) and there are no historical records of flooding on the site. Flood Risk zones are determined on the probability of river and coastal flooding only, other sources do not affect the delineation of flood risk zones. The FRA notes potential sources of flooding as outlined below: -

Tidal / Coastal Flooding: The site is not located within a coastal or tidally influenced region.

Fluvial Flooding: There are no significant hydrological features within the site or in the immediate vicinity of the site.

Pluvial Flooding: There is no significant drainage or water supply infrastructure located at the site or in the immediate vicinity of the site. The development has the potential to result in an increase in surface water run off rates in comparison with the existing undeveloped site.

Existing Infrastructure: There are no significant or restrictive hydraulic structures in the immediate vicinity of the site.

Groundwater Flooding: The site is not considered to be at risk from groundwater flooding and no basement levels are proposed as part of the development.

- 7.5.5. I am satisfied that the appeal site is not at risk of flooding and in accordance with the provisions of the Planning System and Flood Risk Management Guidelines there is no requirement to carry out a justification test.
- 7.5.6. The reason for refusal states that the appeal site is located adjacent to an area prone to flooding and to the Dara Park Flood Relief Scheme. It is noted that the site is adjacent to the Dara Park Flood Relief Scheme, however, the OPW mapping indicates that the area adjacent to the appeal site, within Dara Park and the surrounding area, is not at risk of flooding (Flood Zone C) and there are no historical flood events noted on the OPW mapping. The applicant also states that the area is not prone to flooding consequent of the Dara Park Flood Relief Scheme.
- 7.5.7. The Dara Park Flood Relief Scheme was constructed in 2015 to address historic and chronic deficiencies in the surface water drainage network in Newbridge. The scheme relates to a specific section of the main drainage network located on public open spaces adjacent to Dara Park (residential estate) to the east of the site. The surface water network in Dara Park has a significant urban catchment, c. 23 ha, which discharges, via a single culvert, located below the railway line c. 1km north of the appeal site. A significant portion of the 23ha catchment area drains to an existing lake prior to discharge to the outfall at the railway line. The appeal includes a KCC report on a flood event that occurred in Newbridge in November 2017, which is not indicated on the OPW mapping. This report concludes that the flood event was caused by blockages in the existing network and that the flood relief works are operating as designed.
- 7.5.8. The reason for refusal states that the proposed scheme has the potential to result in an increase in surface water run off rates, which could negatively impact on the Dara Park Flood Relief Scheme. It is acknowledged that the proposed development has the potential to increase surface water run off rates and volumes when compared to the existing greenfield site and potentially impact on the hydrological regime of the area. Therefore, to mitigate against any potential pluvial flood risk it is proposed to incorporate appropriate stormwater management systems within the scheme to limit the stormwater run-off rate to the existing pre-development greenfield rates, inclusive of climate change, urban creep and exceedance as per KCC Drainage Policy.

- 7.5.9. In response to the request for further information the applicant provided additional detail on the proposed surface water drainage network within the scheme. It is proposed that the primary stormwater management system within the development site would comprise 4 no. separate bio-retention systems associated with 4 no. separate catchment areas with storage volumes calculated for 1 in 5 years, 1 in 30 year and 1 in 100 year storm events. Details of the bio-retention areas are provided in Sections 3 and 4 of the response to further information Item 12 report. The scheme would also incorporate additional SuDS measures. An infiltration test report was submitted by way of further information indicating the suitability of the site for the proposed SuDS measures.
- 7.5.10. The Surface Water Engineering Report submitted with the appeal acknowledges the planning authority's concerns and notes that the appeal site currently discharges to the ground water through infiltration and naturally flows onto the adjoining lands and that there is no evidence of that this natural drainage is responsible for flooding within the site or elsewhere. It is also stated that the proposed scheme reduces the overall reliance on discharge to groundwater.
- 7.5.11. Having regard to the above, I am satisfied that the proposed scheme is designed in accordance with the provisions of Objective IN O23 of the development plan to which aims *to reduce the generation of storm water run-off and ensure all storm water generated is disposed of on-site or attenuated and treated prior to discharge to an approved water system.*
- 7.5.12. The appeal site is located within the urban area, on zoned and serviced lands and within the 23 ha urban catchment for the Dara Park Flood Relief Scheme. The site is not identified as being at risk of flooding and the land adjacent to the site is not identified as being at risk of flooding. It is also noted that the appeal site currently drains naturally to Dara Park. The proposed development incorporates appropriate stormwater management systems that would limit stormwater run-off to existing greenfield rates. From the information on file, I am satisfied that proposed development would not result increase the flood risk within the site or to any adjoining sites and would not negatively impact on the Dara Park Flood Relief Scheme, subject to implementation of the proposed SuDS measures outlined in the appeal documentation. I am satisfied that the proposed scheme would be in accordance with the provisions of Objective IN O23 of the development plan and the provisions of the

Planning System and Flood Risk Management Guidelines. It is acknowledged that the planning authority raised concerns regarding the detail of the proposed surface water drainage, however, it is my opinion that the final details could be agreed by way of condition.

7.6. Surface Water Drainage – Second Reason for Refusal.

7.6.1. The planning authority's second reason for refusal considered that the proposed drainage and SuDS Strategy does not represent a coherent or safe approach to surface water management for the site and that the proposed scheme would be contrary to Policy SW 14 of the development plan and could lead to conditions which would be prejudicial to public health.

7.6.2. Policy SW 14 of the Kildare County Development Plan 2017-2023 aimed to *ensure that development will not interfere with or interrupt existing surface water drainage systems*. As noted above, the planning authority assessed the scheme against the provisions of the Kildare County Development Plan 2017 - 2023, which was the relevant statutory plan in place when the application was decided. The current development plan came into effect on the 28th January 2023 and my assessment is based on the policies and objectives of the current statutory plan, which is the Kildare County Development Plan 2023-2029. The reason for refusal relates to Policy SW 14. It is my view that Objective IN O20 of the current development plan is relevant. Objective IN O20 aims to *maintain, protect and enhance capacity of the existing surface water drainage systems in the county*.

7.6.3. As noted above in Section 7.5 the site and the surrounding area is not at risk of flooding (Flood Zone C). Surface water run-off from the site would replicate the existing greenfield run off rate. The appeal notes that the natural topography of the site slopes towards Lakeside and the existing public surface water network to the east of the site. A Surface Water Engineering Report was submitted with the appeal. This report notes that surface water within the site would be slowed through a range of SuDS measures. All surface water would be discharged to the existing public network via a hydrobrake at a greenfield rate. The report also states that the scheme has been designed in accordance with the Greater Dublin Drainage Strategy Study and best practice guidelines. Having regard to the information on file I am satisfied that the proposed

development would not interfere with or interrupt existing surface water drainage systems.

7.6.4. With regard to concerns raised regarding a safe approach to surface water management. The applicant notes that the requirement for attenuation basins was in response to the request for further information by the planning authority and the applicant is happy to provide underground attenuation storage to alleviate any safety concerns. Notwithstanding this, the appeal notes that the detention basin would only contain water in a 1 in 30 storm event and that this water would quickly dissipate due to the construction detail and the area would function as public open space. I have no objection in principle to the provision of a detention basin and consider that the final details of surface water management could be addressed by way of condition.

7.6.5. In conclusion, I am satisfied that there are no infrastructural aspects to the proposed surface water network that present any conflicts or constraints.

7.7. *Appropriate Assessment*

7.7.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distances to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. It is recommended that permission be granted subject to conditions.

9.0 Reasons and Considerations

9.1. Having regard to the zoning objective of the subject site, the provisions of the Kildare County Development Plan 2023-2029 and the Newbridge Local Area Plan 2013-2019 (as extended), to the sites location within an existing urban area, to the existing pattern of development in the area and to 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 be acceptable and would not seriously injure the

residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of flood risk and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20th May 2022, as amended by further information on the 22nd December 2022, 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 shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. Mitigation measures outlined in the plans and particulars, including the Flood Risk Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority floor plans and elevational drawings for proposed House Type C1 (unit numbers 1 and 4), indicating active frontages onto the adjacent public spaces and floor plans and elevational drawings for Apartment Units D and E.

Reason: In the interest of clarity and to ensure passive overlooking for public spaces.

4. Prior to commencement of development the applicant shall agree in writing with the planning authority the final details of furniture and equipment including seating areas and play spaces to be provided within the areas of public open space.

Reason: In the interest of residential amenity and to ensure an appropriate high standard of development.

5. Prior to commencement of development, the applicant shall submit for the written agreement of the planning authority proposals to provide 2 no. character areas within the scheme.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Prior to commencement of development, a schedule of all materials to be used in the external treatment of the residential units shall be submitted to and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of the proposed bin storage for the proposed mid-terrace dwellings.

Reason: In the interest of clarity and residential amenity.

8. Prior to commencement of development a comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority. 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 shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Public Lighting Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and unit numbers, shall be provided in accordance with the agreed scheme. The proposed names 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

Reason: In the interests of amenity and of pedestrian and traffic safety.

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

14.(a) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

(c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

15.Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

16.Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to

the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of public safety and residential amenity.

17. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. 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 housing unit), 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.
- 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 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.
- 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 residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the

requirement of this planning condition has been discharged in respect of each specified housing unit.

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

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

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

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

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

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

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

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.

Elaine Power
Senior Planning Inspector

11th March 2024.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315884-23			
Proposed Development Summary	Construction of 60 no residential dwellings			
Development Address	Morristownbiller, Newbridge, 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		
		No	No further action required	
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			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		N/A		No EIAR or Preliminary Examination required
Yes		10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below the	Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	applicable thresholds.	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	315884-23		
Development Summary	Construction of 60 no residential dwellings		
Examination			
		Yes / No / Uncertain	
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No	
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No	
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No	
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No	
Comment (if relevant)			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?			
There is no real likelihood of significant effects on the environment	EIAR not required	X	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No	
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects