



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316145-23

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<b>Development</b>	Demolition of existing structures and construction of a 5 to 6 storey mixed-use development
<b>Location</b>	Former Newbridge Metal Products Factory, Athgarvan Road (also known as Military Road), Newbridge, County Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	22/897
<b>Applicant(s)</b>	Ascot Construction Ltd.
<b>Type of Application</b>	Permission (s. 34)
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party (s. 37)
<b>Appellant(s)</b>	Ascot Construction Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> March 2024
<b>Inspector</b>	Philip Maguire

## 1.0 Site Location and Description

- 1.1. Located along and to the north of Athgarvan Road in Newbridge, County Kildare, the appeal site is a prominent corner plot with a stated area of 0.6674ha and primary road frontage of c. 50m. Athgarvan Road, also known as Military Road, links the R416 to the east with the R445 to the west and serves as an inner relief road to the south of the town centre. The road was moderately trafficked at the time of my site inspection.
- 1.2. Athgarvan Road facilitates access to the appeal site, 2 no. multi-storey car parks and a County Council yard via a short section of access road along the western boundary. This access is controlled by a signalised junction as is the access to Newbridge Industrial Estate which lies on the opposite side of Athgarvan Road. Cutlery Road, to the east of the site, is also signalised and provides one-way access to Main Street.
- 1.3. The Whitewater Shopping Centre is immediately north of the appeal site. Newbridge Shopping Centre, anchored by Dunnes Stores, and Newbridge Retail Park, anchored by SuperValu, are c. 375m to the west, southwest. Other shops are nearby, in close proximity to the R445/Athgarvan Road junction. The River Liffey lies c. 400m to the east, southeast of the appeal site, in the vicinity of some recreational and leisure uses. Newbridge Train Station is c. 1.2km northwest of the site along Station Road (R416). The wider area is characterised by a mix of educational and employment opportunities.
- 1.4. The appeal site is roughly rectangular shaped and consists of a two-storey building set back from the Athgarvan Road to the south and adjacent 'Access Road' to the west, with parking to the side and hardstanding, grassed area and trees to the front. The building is a mix of rendered block, painted block and metal-clad structures with corrugated asbestos roof finishes and is derelict in appearance. It was occupied by Newbridge Metal Products and adjoins other utilitarian-type buildings to the east.
- 1.5. The adjoining buildings are currently occupied by discount food and convenience stores and a furniture showroom respectively. The southern boundary is defined by a brick wall topped with metal railings and footpath to the front. The western boundary is similarly defined with two vehicular entrances to the appeal site. The northern boundary also has a vehicular entrance but is predominantly defined by the external walls of the building which partly defines the eastern boundary. The remainder of the eastern boundary, forward of the building line, is defined by a brick wall and railing. Site topography falls from c. 96.3mAOD to c. 94.4mAOD in a south-easterly direction.

## 2.0 Proposed Development

2.1. Planning permission is sought for a mixed-use development consisting of 1 no. retail unit and 46 no. apartments. The proposal also includes the change of use of the site to accommodate residential and retail/commercial uses and the demolition of the existing two-storey light industrial building to facilitate the works.

2.2. The proposed development would consist of a 5 to 6-storey building comprising:

- A c. 825sqm retail unit capable of catering for Class 1 or Class 2 uses, including associated office and bin store at ground floor level;
- 46 no. apartments including 8 no. 1-bed units, 28 no. 2-bed units and 10 no. 3-bed units at first to fifth floor level;
- 2 no. communal terraces at fifth floor level including children's play equipment, seating and landscaping;
- A communal room (c. 138.6sqm), bin store and bicycle store at ground floor level associated with the proposed apartments;
- Solar photovoltaic panels at roof level;
- Revised access to the site and provision of a loading bay at the existing access road to Whitewater Shopping Centre off Athgarvan Road;
- 52 no. surface level car parking spaces;
- Signage zones on building facades and 1 no. freestanding (totem) sign;
- An ESB substation and other associated plant and services within the building footprint at ground floor level; and
- Landscaping, boundary treatments, drainage arrangements, utility connections and all associated site development works.

2.3. The following tables summarise the key elements of the proposed development:

**Table 1 – Key Figures**

Site Area (Gross / Net)	0.6674ha or 6,674sq.m
Dwelling Units	46 no. apartments

Density (Gross / Net)	69dph / 81dph*
Building Height	5-6 storeys (c. 20.7m)
Floor Areas (sq.m)	Demolition 2,118sq.m Stated GFA 5,472sq.m Non-resi GFA 825sq.m Resi GFA 4,647sq.m
Dual Aspect	100% (46 of 46 no. units)
Part V	22% (10 of 46 no. units)
Open Space / Amenities	5.1% communal open space (343sq.m of site area) 1 no. communal room (138.6sq.m) 1 no. retail unit (825sq.m)
Car Parking Spaces	52 (40 no. residential, 12 no. retail/commercial) 0.87 spaces per residential unit
Bicycle Parking Spaces	148 (138 no. residential, 10 no. retail/commercial) 3 spaces per residential unit

\*As per Appendix B of the Compact Settlements Guidelines

**Table 2 – Apartment Unit Mix**

	1-bed	2-bed (3P)	2-bed (4P)	3-bed	Total
Total	8 (17.4%)	0	28 (60.9%)	10 (21.7%)	46 (100%)

2.4. In addition to a Planning Report (RPS, July 2022), application documents included:

- Acoustic Design Statement (AWN Consulting, July 2022)
- Appropriate Assessment Screening (Moore Group, July 2022)
- Ecological Impact Assessment (Moore Group, July 2022)
- Travel Plan (NRB Consulting Engineers, July 2022)
- Transportation Assessment (NRB Consulting Engineers, July 2022)

- Stage 1/2 Road Safety Audit (RSA) (Bruton Consulting Engineers, June 2022)
- Designer's Response to Stage 1/2 RSA (Donnachadh O'Brien, July 2022)
- Operational Waste Management Plan (Donnachadh O'Brien, July 2022)
- Construction Management Plan (Donnachadh O'Brien, July 2022)
- Infrastructure Design Report (Donnachadh O'Brien, July 2022)
- Completed Pre-Connection Enquiry (PCE) form (16<sup>th</sup> June 2021)
- Archaeological Impact Assessment (ACS, July 2022)
- Ground Test Analysis Report (Element, November 2021)
- Ground Investigation Report (Ground Investigations Ireland, January 2022)
- Landscape Design Report (Murphy + Sheanon, July 2022)
- Sunlight, Daylight and Shadow Assessment (JAK, July 2022)
- Sustainability, Energy & Infrastructure Statement (JAK, July 2022)
- Lifecycle Report (JAK, July 2022)
- Architectural Design Statement (C+W O'Brien, June 2022)
- Residential Quality Assessment (RQA) (C+W O'Brien, June 2022)
- Part V Proposal

2.5. The applicant's further information response included:

- revisions to the design and height of the southern corner section of the building consisting of amended material finish and fenestration, addition of architectural elements, and a height increase (+1.225m) resulting in 21.9m overall;
- revisions to the design of the northwest corner section of the building consisting of additional windows from the first floor and up, and a revised entrance design;
- amendments to the material finish and design of ground floor units;
- revised undercroft entrances (Athgarvan Road and Access Road) to include pedestrian and vehicular gates;
- removal of 1 no. freestanding (totem) sign as originally proposed;

- revised bicycle parking provision consisting of 160 no. bicycle parking spaces (increased by 12 no. spaces);
- modifications to the proposed site layout consisting of additional planting and improved boundary treatments along the Athgarvan Road and access road public realm and internal parking area; and
- additional surface water drainage arrangements in the form of raingardens and bioretention tree pits throughout the scheme.

2.6. I also note that the apartment unit mix is now 9 no. 1-bed units, 27 no. 2-bed (4-person) units and 10 no. 3-bed units.

2.7. In addition to revised drawings etc., the response included the following reports:

- Response to KCC RFI Items 9 & 12 (Donnachadh O'Brien, December 2022)
- EUV Calculations/Part V Proposal (C+W O'Brien, December 2022)
- Proposed Scheme CGI's (C+W O'Brien, December 2022)
- RFI Response Document (Murphy + Sheanon, December 2022)
- Housing Quality Assessment (HQA) (C+W O'Brien, December 2022)

## 3.0 Planning Authority Decision

### 3.1. Decision

3.1.1. Permission was refused on 27<sup>th</sup> February 2023 for the following reasons:

1. *Having regard to the Kildare County Development Plan 2023-2029, the Newbridge Local Area Plan 2013-2019 (as extended), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and Urban Design Manual A Best Practice Guide, and the Design Manual for Urban Roads and Streets and it is considered that the proposed development, due to its building line, layout, height, corner treatment and architectural detailing, along with level of hard landscaping, boundary treatments and treatment of open space, fails to deliver an appropriate sense of enclosure, streetscape and public realm for this emerging area of Military Road/Athgarvan Road, which it is an objective of the Local Area Plan under Section 7.6.8, RR8 and RO3 to secure.*

*The proposed development would therefore be contrary to the provisions of Chapter 14 'Urban Design, Placemaking and Regeneration' of the County Development Plan, in particular Objective UD 01 to require a high standard of urban design integrated into the design layout and all new development and would also be contrary to Chapter 15 'Development Management Standards' of the Kildare County Development Plan 2023-2029, the Newbridge LAP 2013-2019, the Design Manual for Urban Roads and Streets and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.*

2. *Having regard to the inadequate parking provision, poor quality public open space (poor levels of natural surveillance afforded) and poor quality minimal private open space offered (exposed metal balconies), it is considered that the proposed development represents an excessive density of residential development on site, and would fail to offer an adequate level of residential amenity and resultant standard of living to future occupants. The proposed development is therefore contrary to Chapter 3 Housing, including Policy HO 16 and Chapter 15 Development Management Standards including Section 15.7.8 Car Parking and Table 15.8 Car Parking Standards of the Kildare County Development Plan 2023-2029 and to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

- 3.2.1. The first Planning Officer's Report (12/09/22) can be summarised as follows:

#### *Principle Issues*

- Considered the existing site to represent a visual eyesore in the townscape.
- Stated that the proposal is compatible with the town centre zoning, with retail use at ground floor complementary to existing retail development in the town centre.
- Considered the site coverage acceptable in the context of town centre location.
- Considered the plot ratio acceptable in the context of a 5-6 storey mixed-use building on a brownfield/infill site measuring 0.6674ha with a 6-storey car park and Whitewater Shopping Centre due north.
- In terms of density, it stated that the proposal would result in 46 no. units over a usable area of 0.4347ha, equating to 106dph. It considered this acceptable for an

apartment development of significant height in a central/accessible town centre location, within walking distance of town centre amenities and public transport.

- Noted the unit mix to be compliant with SPPR 1 of the Apartment Guidelines and considered it acceptable in the context of national policy and guidance and apartment development in this town centre location.

### *Design Issues*

- Noted that Design Brief 3 in the Newbridge LAP sets out an indicative height of 3 to 4 storeys at this location but considered the proposed height reasonable for a landmark, corner building, providing a strong edge/bookend corresponding to adjacent permitted development, and having regard to the height and form of the Whitewater Shopping Centre and multistorey car parks, and Building Heights Guidelines. It also noted that there is a fall in ground level from the shopping centre to the site and considered that the proposed height will help mitigate views to the rear of the shopping centre and car parks which appears somewhat utilitarian.
- Considered the urban form, by way of height to width ratio and provision of an active frontage, to be broadly acceptable but stated that there are significant elements that require revision including the massing of cladding to the ground floor retail façade, the massing of brickwork to the corner of Athgarvan Road and Access Road at upper floors and the provision of undercroft to the Access Road.
- Noted that 10 apartments are to be transferred under Part V obligations with all apartments meeting/exceeding the minimum design and space standards.
- Noted that lift cores are provided serving all apartments and considered that at least 20% of apartments would be accessible by way of configuration.
- Considered that the proposed totem signage would detract from the appearance of the building façade and recommended that it be removed and noted that other signage, including that relating to the retail unit, could be agreed by condition.
- Considered that further information was necessary in terms of material finishes.
- In terms of residential amenity, it noted that the Residential Quality Assessment (RQA) submitted with the application shows compliance with/exceedance of the minimum standards in the Apartment Guidelines and Sustainable Residential Development Guidelines. It also noted that the sunlight, daylight and shadow



assessment demonstrate compliance with the minimum required standards and considered that no significant overlooking will occur between habitable room windows or balconies due to adequate separation distances and angle of vision.

#### *Traffic and Transport Issues*

- In terms of noise, it noted that noise surveys were conducted during the school holidays where traffic movements in the area may have been reduced and considered that the survey results were not representative of the current road noise with concerns relating to potential sleep disturbance. It therefore recommended that a revised acoustic design statement was required by further information.
- Considered the quantum of car parking to be insufficient for the number of units proposed, notwithstanding the nature and town centre location of the development close to public transport and amenities, the Apartment Guidelines, projected increase in use of active travel and the unfeasibility of underground options. It therefore recommended that at least 1 no. parking space be sought per apartment by way of further information in addition to details of a long-term agreement with Whitewater Shopping Centre for use of their multi-storey car park.
- Considered the overall quantum and general arrangement of cycle parking spaces to be compliant with the Development Plan 2017-2023 standards but recommended further information in relation to their distribution as per Table 17.10.

#### *Drainage*

- Recommended that the applicant be requested to consider the provision of further SuDS measures to link into the proposed surface water arrangements to provide for greater stormwater management and environmental sustainability.

#### *Landscaping and Boundary Treatment*

- Considered that the Access Road to the southwest elevation is bare in appearance compared to the Athgarvan Road elevation and recommended additional landscaping by way of further information in order to soften this appearance.

#### *Conclusion*

- It considered the proposal acceptable in terms of principle, design and residential amenity subject to conditions, but noted that further information was required in

respect of architectural treatment; visual impact arising from the undercroft parking and totem signage; landscaping and boundary treatment; the Part V proposal; storm and waste drainage; car and bicycle parking provision; noise impact arising from vehicular traffic in the vicinity of the site and internal layout of stair/lift cores. Further information was requested by the planning authority on this basis.

3.2.2. The second Planning Officer's Report (23/02/23) provides an assessment of the further information response. It can be summarised as follows:

- In terms of architectural treatment, it stated that the revised corner and associated elevations failed to create a strong urban grain, failed to create a sense of enclosure to the streetscape/subject corner and failed to respond to the public realm in an area undergoing regeneration. It also considered that the building line and its associated relationship with Athgarvan Road would benefit from moving further forward with soft landscaping incorporated to improve the streetscape. It therefore considered that the proposal was seriously deficient in terms of compliance with the Residential Development Guidelines, DMURS and chapters 14 and 15 of the Development Plan 2023-2029.
- It considered that concerns regarding the visual impact arising from the undercroft parking and totem signage was adequately addressed through redesign/removal, notwithstanding the amended planting and landscaping to the front façade and internal courtyard which was considered unacceptable.
- It considered that concerns regarding the internal layout of stair/lift core 01 to the northwest of the proposed building was adequately addressed through redesign.
- It considered that concerns regarding the landscaping, particularly along the southwestern elevation, was adequately addressed through an amended landscaping strategy, notwithstanding the amended planting and landscaping to the front façade and internal courtyard which was considered unacceptable.
- Considered that the revised boundary treatment was too close to the front elevation and therefore created an inadequate relationship between the proposed building and Athgarvan Road. Moreover, it considered the low boundary wall to be unnecessary given the retail unit at ground floor level and also stated that it would reduce the visual interest of the subject façade when view from Athgarvan Road. Overall, it considered that the proposed boundary treatment failed to add visual

attractiveness or vibrancy, detracting from the front façade and streetscape, contrary to section 2.2.1 of DMURS.

- It considered that concerns regarding the Part V proposal were adequately addressed through further information and can be addressed by condition.
- In terms of surface water drainage, it considered that the proposal represents an overdevelopment of the site resulting in internal and external areas being dominated by car parking and hard landscaping and therefore unable to provide adequate nature-based drainage solutions.
- In terms of car parking, it considered that the applicant is attempting to provide a higher density than the site can adequately cater for and sustainably manage. In the absence of an adequate quantum of car parking spaces, coupled with poor overall design, it considered that the proposed development would seriously injure the residential amenities of future occupants. It therefore considered the proposal contrary to Chapter 3, including Policy HO 16, and Chapter 15, including Section 15.7.8 and Table 15.8, of the Development Plan.
- It considered that concerns regarding the traffic noise to be within specified limits and impacts on future residential occupiers was considered to be acceptable.
- It considered that concerns regarding water supply and wastewater drainage were adequately addressed and noted that the further information response confirmed the diversion of the watermain from its current route through the site.

### *Conclusion*

- Concludes that the proposal fails to create strong, street facing elevations and a landmark corner, fails to contribute towards the provision of public realm on Athgarvan Road and thus fails to create a strong urban grain when viewed in the context of Westbank House and the Weaver's Shed in between. The proposed development was therefore considered contrary to the Residential Development Guidelines, DMURS, and chapters 14 and 15 of the County Development Plan 2023-2029 and recommended refusal on this basis.
- It also stated that the applicant is attempting to provide a higher density than the site can adequately cater for, thereby compromising residential and visual amenity. It therefore also concluded that the proposal would seriously injure the residential

amenities of future occupants due to the projecting balconies, communal open space, Part V proposal and in the absence of adequate parking. The proposed development was therefore considered contrary to Chapter 3, including Policy HO 16, and Chapter 15, including Section 15.7.8 and Table 15.8, of the Plan.

- It recommends planning permission be refused on this basis.

### 3.2.3. Other Technical Reports

- Environment (24/08/22): No objection subject to condition.
- Environmental Health (22/08/22): No objection subject to condition.
- Fire (02/09/22): No objection subject to condition.
- Housing (11/01/23): No objection subject to condition.
- MD Engineer (18/01/23): No objection subject to condition.
- Public Realm (20/01/23): Non-committal.
- Roads (08/09/22): No objection subject to condition.
- Water Services (09/08/22): No objection subject to condition.

### 3.3. Prescribed Bodies

- Irish Water (11/01/23): No objection.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

4.1. None relevant to the appeal site.

4.2. Adjacent sites:

*'The Weaving Shed', Athgarvan Road – Immediately Northeast*

4.2.1. PA ref. 21/1145 – in January 2022, the planning authority granted permission for a change of use from light industrial/manufacturing and retail warehousing use to Class 1 retail use; alterations to the front/south façade including reinstatement of angled roof

profile, new external cladding and signs with new entrances and shopfronts to each unit; internal refurbishment of layouts including the provision of ancillary ground floor and mezzanine level accommodation; alterations to car park and landscaping etc.

*Westbank House, Cutlery Road – c. 120m Northeast*

- 4.2.2. PA ref. 21/1340 – in March 2022, the planning authority granted permission for the demolition of a vacant three-storey office building; change of use of the site from office to residential; and the construction of a five-storey apartment building comprising 12 no. 1-bed units and 8 no. 2-bed units; private open spaces in the form of balconies and patios; 150sq.m. communal open space roof terrace, 6 no. roof mounted solar PV panels; 8 no. part-podium car parking spaces; bicycle and bin stores with 30 no. resident cycle spaces and 12 no. visitor cycle spaces; the provision of a new vehicular access from Cutlery Road; and the rerouting of existing water main etc.

## 5.0 Policy Context

### 5.1. Newbridge Local Area Plan 2013-2019

- 5.1.1. The Newbridge LAP 2013-2019 came into effect on 23<sup>rd</sup> December 2013. It was varied on 16<sup>th</sup> October 2015 (Amendment No. 1) and extended until 22<sup>nd</sup> December 2021.
- 5.1.2. The appeal site is zoned 'Town Centre' in this LAP with a zoning objective '*To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses.*' The purpose of this zoning is to protect and enhance the special character of Newbridge town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of Newbridge. It states that the Council will encourage the appropriate re-use and regeneration of derelict/obsolete land with innovative design approaches.
- 5.1.3. Table 18 (Land Use Zoning Matrix) identifies that 'Dwellings' and 'Shops' (comparison and convenience) are permitted in principle within the Town Centre land use zoning.
- 5.1.4. The following sections are relevant to the appeal:
- 7.2 – Housing
  - 7.5 – Town Centre
  - 7.6 – Urban Design and Town Centre Development (see Figures 17, 18 and 21)

## 7.6.8 – Design Brief 3: Military Road and Athgarvan Road – Perimeter Blocks

### 5.1.5. Summary of the relevant policies and objectives:

- HL 1 Seeks to ensure that the density and design of development respects the character of the existing and historic town in terms of structure, pattern, scale, design and materials with adequate provision of open space.
- HL 6 Seeks to restrict apartment developments to town centre locations generally or suitably located sites adjoining public transport. Higher density will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment.
- RR 2 Seeks to secure the continued consolidation of Newbridge Town Centre through the regeneration of backland and brownfield areas.
- RR 7 Seeks to provide for sustainable urban expansion areas by prioritising the development of derelict/brownfield and key infill/gap sites.
- RR 8 Seeks to promote and encourage high quality urban design and improve the town image by enhancing the physical environment and streetscape.
- RR 10 Seeks to support new town centre residential development by encouraging mixed use schemes, especially at first floor level and above.
- RO 2 Seeks to encourage and facilitate the re-use and regeneration of derelict/brownfield land and buildings for retail and other town centre uses, having regard to the Retail Planning Guidelines' Sequential Approach.
- RO 3 Seeks to facilitate the development of appropriately scaled retail and mixed-use development in the sites identified in the Design Brief Study Areas 1 to 4 (Section 7.6.5).

## 5.2. Kildare County Development Plan 2023-2029

- 5.2.1. The current Development Plan came into effect on 28<sup>th</sup> January 2023. The planning authority decision of 27<sup>th</sup> February 2023 was made under the provisions of this Plan. This appeal shall also be determined under the current Development Plan provisions.
- 5.2.2. The site lies just inside the Core Retail Area as set out in Map ref. V1 – 8.11 (Section 8.6) of the Development Plan and notwithstanding section 7.4.2 (Map 1) of the LAP.
- 5.2.3. The Development Plan does not, however, include zoning objectives for Newbridge.

5.2.4. The main policies and objectives relevant to the proposed development are set out under chapters 2 (Core Strategy and Settlement Strategy), 3 (Housing), 5 (Sustainable Mobility and Transport), 8 (Urban Centres and Retail), 14 (Urban Design, Placemaking and Regeneration) and Chapter 15 (Development Management Standards).

5.2.5. The following sections are relevant to the appeal:

- 2.7 – The Core Strategy and Zoning for Residential Use
- 2.11 – Preferred Development Strategy (Table 2.8)<sup>1</sup>
- 3.7 – Residential Densities (Table 3.1)
- 3.9 – Regeneration, Compact Growth and Densification
- 3.10 – Mix of Dwelling Types
- 5.4 – Sustainable Movement
- 5.11 – Parking
- 8.5 – Sequential Approach
- 8.6 – Core Retail Areas (Map ref. V1 – 8.11)
- 8.7.1.2 – Newbridge
- 14.7 – The Design of Urban Streets and Blocks
- 14.8 – Urban Design and Building Heights

5.2.6. Summary of the relevant policies and objectives:

CS O1        Seeks to ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy.

CS O5        Seeks to promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites and achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

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<sup>1</sup> Table 2.8 (Core Strategy) identifies a housing unit target of 1,061 for Newbridge to the end of Q4 2028, with a target residential density of 35-50 units per hectare. A residential zoned land requirement of 35ha is identified to accommodate this housing target.

- HO O4 Seeks the achievement of appropriate densities in accordance with the Core Strategy and the principles set out in the Residential Development Guidelines (2009) and the Urban Development and Building Height Guidelines (2018), and with reference to NRUP 02/2021 (April 2021).
- HO O5 Seeks to encourage increased densities that contribute to the enhancement of a town or village by reinforcing street patterns or assisting in the redevelopment of centrally located brownfield sites.
- HO O7 Seeks to promote, where appropriate and sensitive to the characteristics of the receiving environment, increased residential density in accordance with the Residential Development Guidelines (2009).
- HO O8 Seeks to support new housing provision to deliver compact and sustainable growth in the towns, and support urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the delivery of least 30% of all new homes in settlements within the existing built-up footprint.
- HO O9 Seeks to promote the transformation of key brownfield sites and identified regeneration areas into successful socially integrated neighbourhoods and promote area regeneration in parts of the urban centres which require physical improvement and enhancement in terms of quality of life, housing and employment opportunities.
- HO O15 Requires *inter alia* all new residential developments in excess of 5 residential units provide for a minimum of 20% universally designed.
- HO O16 Seeks to promote high-quality apartments by achieving suitable levels of amenity within individual apartments, and within each apartment development with apartments designed in accordance with the provisions of Sections 15.2, 15.3 and 15.4 (Chapter 15), where relevant, to ensure a high standard of amenity for future residents.
- HO O17 Requires new apartment developments to comply with the Specific Planning Policy Requirements and standards set out in the Apartment Guidelines (2020), particularly in relation to paragraph 3.8(a) which requires that the majority of all apartments in any scheme of 10+



apartments exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3-bed units, by a minimum of 10%.

- TM P10 Seeks to balance the demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking.
- TM O113 Requires the quantum of car parking for apartment developments to have regard to the proximity and accessibility to urban locations and public transport as outlined in the New Apartments Guidelines (2020).
- RET O22 Support the appropriate development of underutilised lands and buildings within the existing Core Retail Area of Newbridge Town Centre.
- UD O1 Requires a high standard of urban design to be integrated into the design and layout all new development and ensure compliance with the principles of healthy placemaking by providing increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity etc.
- UD O11 Requires compliance with the Building Height Guidelines (2018) by providing for *inter alia* (a) increased building height and densities in appropriate locations, as outlined in Table 14.4, subject to the avoidance of undue impacts on the existing residential or visual amenities.

I note that Table 14.4 indicates that increased building heights of 6+ storeys may be appropriate in 'Town Centres and major towns' etc.

5.2.7. The following development management sections are also relevant:

- 15.2 – General Development Standards
- 15.4.3 – Residential Density
- 15.4.5 – Design, Layout and Boundary Treatments
- 15.4.7 – Apartment Developments
- 15.6 – Open Space (Table 15.3)
- 15.7.8 – Car Parking (Table 15.8)

### **5.3. National Planning Framework (NPF)**

- 5.3.1. Acknowledging demographic trends, Project Ireland 2040, the National Planning Framework (DHLGH, 2018), seeks a 50:50 distribution of growth between the Eastern and Midland region and other regions. It places an emphasis on developing existing settlements including a delivery target of at least 40% of all new housing within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.
- 5.3.2. The NPF also signals a move away from rigidly applied planning policies and standards in relation to building design, in favour of performance-based criteria, to ensure well-designed, high-quality outcomes. It emphasises that general restrictions on building height may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to the general location.
- 5.3.3. In this regard, National Policy Objective (NPO) 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. NPO 35 seeks to increase residential density in settlements, through a range of measures including infill development schemes, area/site-based regeneration and increased building heights.

### **5.4. Regional Spatial and Economic Strategy 2019-2031 (RSES)**

- 5.4.1. The Eastern and Midland RSES (EMRA, 2019) builds on the foundations of the NPF. It notes that the key enablers for growth include promoting compact urban growth to realise targets of at least 50% of new homes within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- 5.4.2. Section 3.2 identifies Newbridge within the Core Region of peri-urban 'hinterlands' in the commuter catchment around Dublin. Regional Policy Objective (RPO) 3.2 requires local authorities, in their core strategies, to set out measures to achieve compact urban development targets of at least 30% of all new homes in other urban areas not contiguous to the built-up area of Dublin city and suburbs. RPO 3.3 requires local authorities to identify regeneration areas through their Core Strategy/plan process.

### **5.5. Guidelines for Compact Settlements**

- 5.5.1. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (DHLGH, 2024) sets out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable

residential development and the creation of compact settlements. They are accompanied by a non-statutory Design Manual, albeit unpublished at time of writing.

5.5.2. Section 2.2 notes that these Guidelines should be read in conjunction with other guidelines where there is overlapping policy and guidance. Where there are differences between these Guidelines and other previously issued Section 28 Guidelines, it is intended that the policies and objectives and specific planning policy requirements (SPPR's) of the Compact Settlements Guidelines will take precedence.

5.5.3. In this regard, section 3.0 of the Guidelines deals with settlement, place and density. Section 3.3.3 relates specifically to Key Towns and Large Towns and amongst the key priorities is to strengthen town centres. Table 3.5 states that it is a policy and objective of these Guidelines that net residential densities in the range of 40-100dph shall generally be applied in the centres of Key Towns / Large Towns. Section 5.0 sets out the development standards for new housing including policy and objective 5.1 relating to public open space and SPPR's 3 and 4 relating to car and cycle parking and storage.

## 5.6. Guidelines for New Apartments

5.6.1. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHLGH, 2022, updated July 2023) focus on the locational and planning specific aspects of apartment development. Design parameters include locational considerations and internal space standards for different apartment types including amenity spaces etc. Many of these parameters are subject to SPPRs which take precedence over any conflicting Development Plan policies and objectives.

5.6.2. In terms of location, the Guidelines suggest that the appeal site falls within an intermediate urban location i.e. within walking distance (1 to 1.5km) of high-capacity public transport such as commuter rail. It notes that such locations are generally suitable for smaller-scale, higher density apartment development, subject to location i.e. broadly >45dph. The appeal site is c. 1.2km southeast of Newbridge Train Station.

5.6.3. Section 4.23 states that planning authorities must consider a reduced car parking standard and apply an appropriate maximum standard in intermediate urban locations.

5.6.4. Section 6.6 of the Guidelines states that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like *A New European Standard for Daylighting in Buildings* (IS EN 17037:2018), *UK National*

*Annex* (BS EN 17037:2019) and the associated practice guide BRE 209 2022 (3<sup>rd</sup> ed., June 2022), or any relevant future standards or guidance specific to the Irish context. The Guidelines do not, however, set out performance criteria for building height or building separation distance relative to location. This is subject to separate guidance.

## **5.7. Guidelines for Urban Development and Building Heights**

- 5.7.1. The Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG, 2018) reflects the policy direction espoused in the NPF in terms of achieving compact growth through urban infill and brownfield development. Section 1.10 states that it would be appropriate to support the consideration of 6-storey building heights at street level as the default objective in major town centres identified in the RSES.
- 5.7.2. Section 3.1 of the Guidelines sets a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. It also outlines some broad principles that should be applied when considering proposals for taller buildings including whether such proposals positively assist in securing NPF objectives such as fulfilling targets related to brownfield etc.
- 5.7.3. Section 3.2 of the Guidelines sets out criteria that the proposal should satisfy at the scale of the relevant city/town; at the scale of district/neighbourhood/street; at the scale of the site/building; and other specific assessments. SPPR 3 gives primacy to these criteria even where objectives of the Development Plan may indicate otherwise.

## **5.8. Guidelines for Retail**

- 5.8.1. The Retail Guidelines for Planning Authorities (DECLG, 2012) notes that the planning system must promote and support the vitality and viability of city and town centres thereby contributing to a high standard of urban design and encouraging a greater use of sustainable transport. The Guidelines set out five key policy objectives including the promotion of town centre viability through a sequential approach to development.
- 5.8.2. Section 4 relates specifically to retailing and development management. It notes that development proposals not according with the fundamental objective to support the vitality and viability of town centre sites must demonstrate compliance with the sequential approach before they can be approved. Section 4.2.2 states that the order of priority for the sequential approach is to locate retail development in the city/town

centre (and district centre if appropriate), and only to allow retail development in edge-of-centre or out-of-centre locations where all other options have been exhausted.

## **5.9. Other National Policy, Guidance and Standards**

### **5.9.1. Housing for All**

Housing for All, a New Housing Plan for Ireland (DHLGH, 2021) is the government's housing policy to 2030. In this regard, it notes that Ireland needs an average of 33,000 homes built per annum until 2030 to meet the NPF targets. These homes need to be affordable, built in the right place, to the right standard and in support of climate action.

### **5.9.2. Climate Action Plan 2023**

Changing Ireland for the better, the Climate Action Plan 2023 (CAP23) (DECC, 2022), sets a national target of halving greenhouse gas emissions by 2030 and being carbon neutral by 2050. Measures to achieve a 50% reduction in transport emissions include a 20% reduction in total vehicle kilometres and a 50% increase in daily active travel.

### **5.9.3. National Sustainable Mobility Policy**

The National Sustainable Mobility Policy (Dept. of Transport, 2022) sets out a policy framework to 2030 for active travel and public transport to support Ireland's overall requirement to achieve a 51% reduction in greenhouse gas emissions by 2030.

### **5.9.4. Design Manual for Urban Roads and Streets (DMURS)**

Guidance relating to the design of urban roads and streets is set out in DMURS (DTTS and DHPLG, 2013, updated May 2019). Section 2.2.1 notes that a sense of enclosure spatially defines streets and creates a more intimate and supervised environment. A sense of enclosure is achieved by orientating buildings toward the street and placing them along its edge. The use of street trees can also enhance the feeling of enclosure. It also notes that an active frontage enlivens the street edge, creating a more interesting and engaging environment. It is achieved with frequent entrances to ensure the street is overlooked and pedestrian activity generated as people come and go.

Section 4.2.3 reiterates the importance of active street edges in passive surveillance of the street and promoting pedestrian activity. It considers that increased pedestrian activity has a traffic-calming effect as it causes people to drive more cautiously.

Section 4.3.1 illustrates that the minimum space for two people to pass comfortably in areas of low pedestrian activity is 1.80m. The desirable space in areas of low to moderate pedestrian activity is 2.50m. It also states that the minimum space for small groups to pass comfortably in areas of moderate to high pedestrian activity is 3.00m.

#### 5.9.5. **Cycle Design Manual**

Guidance relating to the design of both on-road and off-road cycle facilities for both urban and rural locations is set out in this manual (NTA, 2023). Section 2.6 states that the absolute minimum width of a cycle track at pinch points, over short lengths only, is 1.25m and the desirable minimum width is 2m for less than 300 peak hour flows.

I note that Athgarvan Road is identified in the Greater Dublin Area Cycle Network Plan.

#### 5.9.6. **Traffic and Transport Assessment Guidelines (PE-PDV-02045)**

This TII technical guidance (May 2014) relates to traffic and transport assessments (TTA). Section 2.1 considers the thresholds at which the production of a TTA in relation to planning applications is recommended. Table 2.1 details the relevant thresholds, including where traffic to/from the development exceeds 5% of the traffic flow on the adjoining road where congestion exists or the location is sensitive, residential development in excess of 200 dwellings and retail and leisure development in excess of 1,000sq.m. Table 2.2 of the guidelines sets out advisory thresholds where national roads are affected. Table 2.3 of the guidelines sets out sub-threshold criteria for TTA.

The application was accompanied by a Transportation Assessment (NRB Consulting).

#### 5.9.7. **Road Safety Audit Guidelines (GE-STY-01027)**

This TII standard (Dec. 2017) sets out the procedures required to implement RSA's on national roads. It relates to all schemes on national roads which result in new road construction or permanent change to the existing road or roadside layout.

The application was accompanied by a Stage 1/2 Road Safety Audit (Bruton Consulting) and Designer's Response to Stage 1/2 RSA (Donnachadh O'Brien).

#### 5.10. **Natural Heritage Designations**

- Pollardstown Fen SAC and pNHA (000396) – c. 2km west
- Mouds Bog SAC (002331) and pNHA (000395) – c. 3.1km north
- Poulaphouca Reservoir SPA (004063) – c. 15.6km southeast

- Curragh (Kildare) pNHA (000392) – c. 2.3km
- Liffey Bank Above Athgarvan pNHA (001396) – c. 3.7km

## 5.11. EIA Screening

5.11.1. Having regard to the nature and scale of the proposed development, which is for 46 apartments and a retail unit in an established and serviced town centre location, and its proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposal. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage and there is no requirement for a screening determination or EIA (see Appendix 1).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged by RPS on behalf of the applicants, Ascot Construction Ltd. In general terms the grounds can be summarised as follows:

- It highlights that the site has been vacant for over 15 years with renovation and conversion unviable.
- It is stated that the proposal represents a well-designed, mixed-use scheme that would make efficient use of a strategically located site in accordance with national, regional and local planning policy and guidance in terms of densification and regeneration, consolidation, compact growth and sustainable development.

6.1.2. In relation to density, the grounds can be summarised as follows:

- It is submitted that the proposed density is in line with national planning policies, which support the delivery of compact growth and more sustainable forms of urban development, in addition to Development Plan objectives HO O4 and HO O5, which seek to provide and support increased densities.
- In terms of residential amenity and standard of living, it states that the proposal has been carefully designed to provide 100% dual aspect, high quality apartments and communal and private open spaces, as well as an appropriate quantum of parking.

- It is submitted that the planning authority did not have any issue with the proposed density having regard to national, regional and local planning policy, and the proposed density is not a valid reason for refusal in this instance.
- It also notes that a reference to 'Policy HO 16' in the planning authorities 2<sup>nd</sup> refusal reason appears to be a typographical error and presumes that it relates to 'objective HO O16' which seeks to promote high quality apartments etc.

6.1.3. In relation to height, the grounds can be summarised as follows:

- It states that the proposed height complements and reflects the height of the Whitewater Shopping Centre and emerging developments in this area, such as the permitted residential scheme at Westbank House under PA ref. 21/1340.
- It suggests that the proposed height at the southern corner of the scheme is specifically designed to address the Athgarvan Road/Access Road junction, serving as a local landmark, improving legibility and streetscape and reinforcing the urban character of the area whilst screening the multi-storey car park beyond.
- It notes that Development Plan objective UD O11 seeks to support increased building heights and densities in appropriate locations including town centre locations where 6 storeys or more may be accommodated. It also states that the proposed height is supported by national and local policy given its central location.
- It is submitted that the proposed height will positively contribute to the regeneration of this area and assist in creating a new, high-quality, urban streetscape along Athgarvan Road and suggests that no development of the site, irrespective of design, can solely address the open nature of Athgarvan Road.
- It states that the proposed height at the southern corner of the building provides a new definition to these streets – setting a positive precedent for the regeneration of this area as originally envisioned in the Newbridge LAP 2013-2019, and complements the permitted Westbank House scheme to bookend this urban block.

6.1.4. In relation to site layout and building line, the grounds can be summarised as follows:

- It highlights that the proposed scheme was designed in consideration of the indicative building form and building lines set out in the Newbridge LAP 2013-2019. It specifically notes that Figure 17 (Built Form Strategy) of the LAP includes the provision of strong building lines along the Access Road and set back building line



from Athgarvan Road. It states that the proposal has been designed to generally align with this built form having regard to opportunities and constraints presented by the redevelopment proposals to the east and wayleave running through the site.

- It is submitted that the proposed elevation along Athgarvan Road establishes a strong building line that aligns, and ensures a consistent appearance, with the permitted residential scheme at Westbank House. It suggests that a different building line would create an incongruous streetscape, out of line with this emerging building line, and would inappropriately enclose the adjoining property, resulting in three different building lines contrary to the provisions of the LAP.
- It is submitted that the proposed layout and building line does not represent valid reasons for refusal in this instance as they have been directly informed by the LAP and have regard to existing and permitted developments in this area, as well as specific site constraints.

6.1.5. In relation to corner treatment and architectural detailing, the grounds can be summarised as follows:

- It states that the architectural language, materials and finishes of the southern corner elevations were refined to include a feature of red brick and additional design elements along with a subtle increase in height, vertical box sections from first floor to roof level and vertical fins to corner balconies in order to enhance the visual interest and provide pronounced corner elevations.
- It is submitted that the design of the scheme, including revised corner treatment and details, creates a strong sense of place and character, with high quality materials complementing the Westbank House scheme and delivering coherence, a sense of urban identity and ensuring the building is a landmark at a key junction.
- It is submitted that the planning authority's concerns relating to architectural detail and corner finishes could be addressed, and revised balcony treatments could be agreed by way of planning condition in any case.

6.1.6. In relation to public open space, the grounds can be summarised as follows:

- It is stated that the layout and building line informed the location and quantum of open space which is considered to be appropriate for the area having regard to the central location of this brownfield site and proximity to recreational facilities.

- It highlights that the public realm along Athgarvan Road will be animated by the proposed ground floor retail/commercial unit and pedestrian/cyclist entrances thus creating an active frontage to enliven the street corner. This will improve the vibrancy and vitality of the area with additional trees/planting to the front of this unit softening the visual appearance of the undercroft elements and screening views.
- It also highlights that the active street frontage provided by the ground floor retail/commercial unit will provide passive surveillance over the public spaces and notes that the communal open space will also benefit from significant surveillance with additional windows on the northern elevation improving same.
- It is submitted that the proposal has done everything possible to improve passive surveillance but notes that it will not be fully animated until the boundary wall surrounding the Council's machinery yard is redeveloped as envisaged by the LAP.
- It also states that a condition requiring agreement on boundary treatment details could have been attached to a grant of permission and it submits that the proposal provides high-quality open spaces that respond to the site and context.

6.1.7. In relation to private open space, the grounds can be summarised as follows:

- It highlights the submitted Residential Quality Assessment (RQA) and states that it shows compliance with private open space standards in the New Apartments Guidelines (2022) in the form of balconies along the southwestern and southeastern elevations to maximise access to sunlight and daylight as well as contributing to adequate levels of passive surveillance.
- It states that the proposed balconies are compliant or in excess of the quantitative standards set out in Table 15.3 of the Development Plan and accord with section 15.6.7 in terms of separation distances and the maximisation of sunlight.
- It also states that the provision of additional screening or alternative finishes to the balconies would not materially alter the overall design and could therefore be controlled by way of planning condition.

6.1.8. In relation to parking provision, the grounds can be summarised as follows:

- It emphasises that the proposal has been designed having due regard to the location and range of transport infrastructure and amenities in proximity of the site.

- It refers to the Infrastructure Design Report which addresses the criteria for reduced car parking provision and demonstrates that the location of the proposal affords future residents' easy access to local services and facilities.
- It notes that the reduced quantum of car parking is accompanied by an appropriate number of drop-off, service, visitor, and bicycle parking spaces to meet the needs of residents and contribute to a modal shift from car-based journeys. It also notes the availability of 1,658 public car parking spaces at the Whitewater and 692 spaces at the Courtyard multi-storey car parks.
- It emphasises that additional car parking, as requested by the planning authority, would not only work against achieving a modal shift but would also reduce the space for other amenity uses and contribute to more car traffic in the town centre.
- It notes that the car parking standards set out in Table 15.8 of the Development Plan represent a maximum standard and section 15.7.8 asserts that lower rates of parking and car-free developments should be considered in the first instance.
- It is submitted that a reduced car parking provision is acceptable and in compliance with the New Apartment Guidelines, with the proposal allowing for the most efficient use of the site at a town centre location, contributing to a modal shift from car-based journeys by reducing the space dedicated to private cars, and provides opportunities for making Newbridge town centre a pedestrian and cyclist space.

## **6.2. Planning Authority Response**

6.2.1. In relation to building line, the planning authority's response can be summarised as follows:

- The planning authority is seeking to establish an appropriate building line on the Athgarvan Road/Military Road as it emerges as a new street. It states that the realignment of the watermain presents an opportunity to bring forward the building line and deliver a street edge through good urban design and quality public realm.
- It suggests that this is a lost opportunity to deliver appropriate standards of public realm, urban design and streetscape in the town centre without justification.

6.2.2. In relation to height, the planning authority's response can be summarised as follows:

- It suggests that overall height is contingent on high quality design with appropriate building line and architectural detail, leading to positive street facing elevations and public realm, but states that this is lacking and thus making it more obtrusive and detracting from the visual amenity of the area.
- Whilst it acknowledges the modifications made at further information stage, it maintains the position that the height, coupled with the building, architectural detailing and general design, is contrary to the provisions of Chapter 14 of the County Development Plan, and objective UD O1 in particular.

6.2.3. In relation to residential standards including density, public and private open space and car parking, the planning authority's response can be summarised as follows:

- It states that the public open space is remote from the units and subject to poor surveillance which affects its quality, and this can be improved through redesign in terms of offering natural surveillance and usability. It also states that there is no meaningful communal open space for use by residents alone at surface level and suggests that the introduction of basement parking would offer potential for usable, overlooked and centrally located open space, instead of surface car parking.
- It states that the private open space for the majority of units, by way of exposed metal balconies, is of minimal quantity and quality, and suggests that a redesign would allow for more recessed/partially enclosed balconies or winter gardens.
- It states that there is an inadequate quantum of car parking with 6 no. apartments without a space and considers that a 1:1 ratio is appropriate. It suggests that basement parking could potentially address this issue.
- It considers that if a high-quality design solution was offered, including high quality public and private open space and an adequate quantum of car parking amongst other considerations, the proposed density may be acceptable.

6.2.4. In relation to other matters, the planning authority's response can be summarised as follows:

- Referring to concerns raised by the applicant, it notes that pre-application discussions shall not prejudice the determination of a subsequent application.
- It notes that the County Development Plan 2023-2029 came into effect during the course of the application process and states that it has placed greater emphasis

on the importance of good urban design, quality public realm and placemaking in accordance with national policy. It states that the final assessment and decision was made having regard to the County Development Plan 2023-2029.

- Given the magnitude of changes necessary to deliver an appropriate building line, revised design suitable for the proposed height and appropriate standards of amenity, it does not consider these matters can be addressed by condition.
- It requests that the Board uphold the decision and refuse permission.

### 6.3. **Observations**

None.

## 7.0 **Assessment**

### 7.1. **Preliminary Points**

7.1.1. Having examined the application details and all other documentation on the appeal file, including the appeal submissions and observations, and inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal. The issues can be addressed under the following headings:

- Visual Amenity
- Residential Amenity
- Appropriate Assessment

### 7.2. **Visual Amenity**

7.2.1. As noted, the first refusal reason considers that the proposed development fails to deliver an appropriate sense of enclosure, streetscape and public realm by virtue of its building line, layout, height, corner treatment and architectural detailing, along with level of hard landscaping, boundary treatments and treatment of the open spaces.

7.2.2. The planning authority suggests that Athgarvan Road is an emerging area and note the objective of the Newbridge LAP under Section 7.6.8, RR 8 and RO 3 in this regard, concluding that the proposal would be contrary to the provisions of Chapter 14, in

particular objective UD O1, and Chapter 15 of the County Development Plan 2023-2029, the Newbridge LAP, DMURS and the Residential Development Guidelines.

*Status of the Newbridge LAP*

- 7.2.3. Before addressing the substantive issues, it is important to clarify the status of the Newbridge LAP, which is referenced in the refusal reason, Section 7.6.8, policy RR 8 and objective RO 3 specifically. As noted, the LAP expired on 22<sup>nd</sup> December 2021.
- 7.2.4. I note that the County Development Plan 2023-2029 was adopted in the meantime and between the planning authority's further information request and final decision. The Development Plan designates Newbridge as one of four Self-Sustaining Growth Towns, second in the settlement hierarchy and just below the Key Towns of Naas and Maynooth. It should also be noted that Newbridge is the county's second largest town, by population, irrespective of hierarchy<sup>2</sup>. Table 2.8 of the Development Plan identifies a housing unit target of 1,061 for Newbridge to the end of Q4 of 2028 with an additional residential zoned land requirement of 35ha identified to accommodate this target.
- 7.2.5. Based on the foregoing, it is reasonable to conclude that insufficient zoned land has already been identified within the town to accommodate future population and housing growth. Thus, whilst I acknowledge the timeline of the 2013-2019 LAP, I consider that the NPF, RSES and Development Plan continue to reinforce the role of Newbridge as a Self-Sustaining Growth Town at the upper end of the settlement hierarchy in Kildare, with the lands along the Athgarvan Road remaining 'Tier 1 serviced' and having capacity to accommodate mixed-use town centre development, including apartments.
- 7.2.6. Given that the aforementioned LAP is the most recent local planning policy document pertaining to the appeal site and that the planning authority has not sought to amend the zoning of these lands in the interim including during the Development Plan process, I am satisfied that the Town Centre zoning, where dwellings and shops (comparison and convenience) are permitted in principle, remains a relevant consideration until such time as this zoning may be changed through the LAP process.
- 7.2.7. In this regard, I note that the Newbridge LAP 2025-2031 is at pre-draft stage and I consider that it would be manifestly unreasonable for the interregnum period to be

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<sup>2</sup> CSO, 2024. *Census of Population 2022 Profile 1 - Population Distribution and Movements (Table 1.1)*. [Online] Available at: <https://www.cso.ie> (Accessed: 28<sup>th</sup> March 2024)

devoid of a land use strategy for the town. This is particularly acute given the ambitious housing unit target to Q4 of 2028, where the proposed development represents just 0.4% of the total housing requirement. Therefore, in the absence of a replacement, I consider that the LAP remains the guiding land use strategy for the town of Newbridge.

### *General Composition*

- 7.2.8. As noted, the proposal comprises a mixed-use development including 46 no. apartments in a 6-storey, L-shaped building, over a ground floor retail unit and community room. In simple terms, the building is c. 40m long and some 19m deep along the front elevation and c. 69m long and some 16m deep along the longer, return elevation. It is partially recessed at first and fifth floor level to accommodate landscaped roof terraces including the main communal open spaces at either end of the block. The northern and southern roof terraces are c. 16.50m and 17m above the level of the internal courtyard respectively. The first-floor roof terrace is some 4.70m above the courtyard level. The building has a parapet level of 20.70m from the lower ground floor, 19.30m from the upper ground floor and an overall height of c. 21.90m.
- 7.2.9. The development includes courtyard parking accessed via an undercroft entrance along the return elevation. Additional parking spaces are located perpendicular to the front elevation which is set back some 16m from the public footpath. These spaces are accessed from the courtyard via a second undercroft entrance and a roadway parallel to Athgarvan Road. The distance from the return elevation to the road edge varies from 2.4m to 7m. The internal road width is around 6m. Car parking is generally around the perimeter of the courtyard but an island of 14 no. spaces is also included.

### *Building Line and Layout*

- 7.2.10. In relation to building line and layout, the applicant highlights that the scheme was designed in accordance with the indicative built form strategy set out in Figure 17 of the LAP, having regard to constraints presented by the redevelopment proposals to the east and wayleave through the site. This, they note, includes the provision of a strong building line along the 'Access Road' and a setback line from Athgarvan Road.
- 7.2.11. The planning authority, on the other hand, is seeking to establish what they consider to be an appropriate building line as Athgarvan Road emerges as a new street, suggesting that the watermain realignment presents an opportunity to bring forward the building line and deliver a street edge through good urban design and public realm.

- 7.2.12. Whilst this may be the ambition of the planning authority, and it is not without its merits, I agree with the applicant that the relevant guidance is set out in section 7.6.8 (Design Brief 3: Military Road/Athgarvan Road) and Figure 17 of the LAP, the latter clearly illustrating a 'proposed built edge' set back from the Athgarvan Road whilst the return elevation is distinctively closer to the 'Access Road'. As noted above, the LAP remains the guiding land use strategy for Newbridge town and in the absence of a replacement LAP or other specific guidance, I considered the proposed building line acceptable.
- 7.2.13. Moreover, Figures 16 and 18 of the LAP illustrate 'streetscape improvement works' and 'street landscaping with integrated on street parking' within the carriageway of the Athgarvan Road from roughly the Cutlery Road junction to its junction with the R455. To bring the building line forward could, in my opinion, prejudice the delivery of these indicative LAP proposals. Furthermore, it may conflict with any future active travel proposals along the Athgarvan Road, which forms part of the Greater Dublin Area Cycle Network Plan. This is noted in section 7.6.8 of the LAP with regard to a carriageway redesign to cater for pedestrians and cyclists. In this regard, I am not convinced that the proposed building line conflicts with Development Plan objective UD O1, especially in terms of healthy placemaking, social interaction and active travel.
- 7.2.14. The applicant also submits that the proposed elevation along Athgarvan Road establishes a strong building line that aligns, and ensures a consistent appearance, with the permitted residential scheme at Westbank House, suggesting that a different building line would create an incongruous streetscape, out of line with this emerging building line, and would inappropriately enclose the adjoining property. I agree, and I note that the eastern extent of the front elevation has been carefully modulated to account for the building line immediately east, whilst at the same time using this building to screen the courtyard parking and provide a suitable level of site enclosure.

#### *Building Height*

- 7.2.15. In terms of height, the applicant submits that the proposed height complements and reflects the height of the Whitewater Shopping Centre and emerging developments in this area, such as the permitted residential scheme at Westbank House to the east.
- 7.2.16. The planning authority, on the other hand, suggest that overall height is contingent on a high-quality design with appropriate building line and architectural detailing, leading



to positive street facing elevations and public realm, but states that this is lacking and thus making it more obtrusive and detracting from the visual amenity of the area.

7.2.17. The prevailing height along this section of Athgarvan Road is predominantly two storeys albeit with a significant setback from the road edge. The appeal site bookends the western side of a distinctive block between the 'Access Road' and Cutlery Road.

7.2.18. Whilst the eastern bookend is currently occupied by Westbank House, a 3-storey derelict building, it is subject of an extant permission for a 5-storey apartment building. I also note that the adjoining building, 'The Weaving Shed', is subject of an extant permission for a change of use and general refurbishment, including the reinstatement of the traditional angular roof profile. This roof would be 7.7m above adjoining ground level, with the eastern extent of the proposed front elevation partly recessed and setback to assist with the transition in streetscape, albeit 18.20m above ground level.

7.2.19. The applicant has also noted that Development Plan objective UD O11 seeks to support increased building heights and densities in appropriate locations including town centre locations where buildings of 6-storeys or more may be accommodated.

7.2.20. As noted above, objective UD O11 mandates compliance with the Building Heights Guidelines by supporting increased height and densities, subject to the avoidance of undue impacts on the existing residential or visual amenities etc. In this regard, I note that there are no residential properties adjacent to the site, the closest being apartments in the Whitewater development and primarily accessed via Cutlery Road. Therefore, there are no existing residential amenity issues that arise with this proposal.

7.2.21. It is also critical to note that the backdrop to the appeal site is dominated by the Whitewater Shopping Centre and the adjacent multi-storey car parks and Council yard. This backdrop is lacking any existing visual amenity and in this specific context, I am fully satisfied that the 6-storey building would be adequately absorbed and integrated in accordance with objective UD O11 and section 3.2 of the Guidelines insofar as it responds to the overall built environment. In this regard, I also consider that it makes a significant positive contribution to the streetscape, by helping screen off views of the multi-storey car parks and provides a sense of scale and enclosure to this urban block.

7.2.22. I am also satisfied that the proposed height is consistent with the other criteria outlined in section 3.2 of the Building Heights Guidelines 'at the scale of the street' in terms of its contribution to legibility and mix of uses and building typologies. The proposal is

also considered acceptable 'at the scale of the site', with its L-shape layout and general design carefully modulated to provide active street edges and minimise loss of light.

7.2.23. Finally, I also consider that the proposal is acceptable 'at the scale of the town', with Newbridge well served by a high capacity, high frequency commuter rail service and frequent urban bus services along Edward Street/Main Street, to the north/northwest. Whilst section 3.2 also requires proposals to make a positive contribution to place-making, incorporating new streets and public spaces, and to create visual interest in the streetscape, this criterion relates specifically to larger urban redevelopment sites, and I am satisfied that it positively contributes to place-making, nonetheless. The height therefore accords with SPPR 3(A) of the Guidelines, and this takes precedence over the indicative 3-4 storey building height outlined in Design Brief 3 of the LAP.

7.2.24. I do however recommend that the Board condition street landscaping / public realm to the front (southeast elevation) of the site in the event of a grant of permission. This may require the removal of some / all of the car parking spaces as discussed below.

#### *Corner Treatment and Architectural Detailing*

7.2.25. The applicant submits that the design of the scheme, including corner treatment which was revised at further information stage, creates a strong sense of place and character, with high quality materials complementing the Westbank House scheme and delivering coherence, a sense of urban identity and ensuring a landmark building.

7.2.26. As noted, the further information response introduced revisions to the southern corner section of the building, including a feature of red brick and additional design elements along with a marginal 1.225m height increase, vertical box sections from first floor to roof level and vertical fins to corner balconies in order to enhance the visual interest. I consider these revisions acceptable, and whilst I share some of the planning authority's concerns regarding the wraparound and projecting balconies generally, I am satisfied that they do not detract from the overall quality of the proposed scheme.

#### *Landscaping, Open Space and Boundary Treatments*

7.2.27. The applicant submits that the layout and building line informed the quantum of open space which they consider appropriate for a brownfield site in a central location near recreational facilities. Section 15.6.6 of the Development Plan provides for a relaxation to 10% public open space (including 4% biodiversity) on brownfield and / or

regeneration sites where higher residential densities are required, such as the appeal site. This equates to 0.067 or 670sq.m. Appendix 1 of the New Apartments Guidelines sets out communal amenity space requirements. This equates to 324sq.m overall.

- 7.2.28. As noted, the proposal includes c. 343sq.m of communal amenity space in the form of two separate roof top terraces at either end of the building on the fifth floor in addition to a linear space at first floor level and this is acceptable. The proposed public open space is however extremely limited in the form of upgrades to the public realm at the interface with the Athgarvan Road and 'Access Road'. Where such a shortfall exists, section 15.6.6 of the Development Plan provides for the payment of an equivalent monetary contribution in lieu of remaining open space provision. I recommend that the Board provide for such payment by way of condition in the event of a grant of permission, in addition to the street landscaping / public realm as outlined above.
- 7.2.29. Additional concerns raised by the planning authority can also be addressed by condition but overall, I am satisfied that the landscaping, boundary treatments and treatment of the open spaces does not adversely impact on the area's visual amenity.

#### *Conclusion on Visual Amenity*

- 7.2.30. On balance, the benefits of the proposed development notably outweigh any visual amenity impacts, modest as they might be. In this regard, I am satisfied that the proposal successfully balances communal and public open space provision with the regeneration of an underutilised brownfield site where higher density can be facilitated whilst delivering an appropriate sense of enclosure, streetscape and public realm.

### **7.3. Residential Amenity**

- 7.3.1. As noted, the planning authority's second refusal reason raises specific concerns regarding residential density and a failure to offer an adequate level of residential amenity and standard of living to future occupants by virtue of inadequate parking provision, poor quality public open space, including levels of natural surveillance, and poor quality, minimal private open space, including exposed metal balconies.
- 7.3.2. This, they considered, would be contrary to Chapter 3 'Housing', including Policy HO 16, and Chapter 15 'Development Management Standards', including Section 15.7.8 Car Parking and Table 15.8 Car Parking Standards, of the County Development Plan.

### *Residential Density*

- 7.3.3. The applicant submits that the proposed density is in line with national planning policies, which support the delivery of compact growth and more sustainable forms of urban development, in addition to Development Plan objectives HO O4 and HO O5.
- 7.3.4. The planning authority considered that the acceptability of the proposed density is contingent on a high-quality design solution, including high quality public and private open space and an adequate quantum of car parking amongst other considerations.
- 7.3.5. The proposed density is 81dph as per Appendix B of the Compact Settlements Guidelines (2024). Plan objective HO O4 seeks to achieve appropriate densities in accordance with *inter alia* the Core Strategy, the Residential Development Guidelines (2009) and the Building Heights Guidelines. As noted, Table 2.8 sets a target residential density of 35-50dph for Newbridge. Section 2.9 of the Development Plan indicates that this target is based on the Residential Development Guidelines which I note have since been replaced. It also suggests that the target figure need not be slavishly adhered to, and I note the provisions of Plan objective HO O5 in this regard.
- 7.3.6. In similar regard, the Building Heights Guidelines support densities in excess of 45dph for intermediate urban locations, such as the appeal site. However, crucially, the Compact Settlements Guidelines provide for a density range of 40-100dph in the centres of Key Towns / Large Towns, such as Newbridge. I therefore consider that the proposed density is acceptable and does not conflict with the Development Plan.

### *Private Open Space*

- 7.3.7. In relation to the planning authority's concerns regarding the quality and quantity of private open space, including exposed metal balconies, the applicant states that the submitted RQA demonstrates compliance with private open space standards in the form of balconies along the primary and return elevations in order to maximise access to sunlight/daylight as well as contributing to adequate levels of passive surveillance.
- 7.3.8. I have reviewed the RQA submitted with the application and updated HQA submitted with the appeal and neither assessment has set out the private amenity space provision as per Appendix 1 of the New Apartments Guidelines. I have however reviewed the floor plans, as submitted at further information stage, and I am satisfied that private amenity open space complies with and significantly exceeds the minimum

requirements in most instances. I specifically note that all of the 3-bed corner units have wraparound balconies of 28.5sq.m and with net internal areas of 108.3sq.m, they are a high-quality apartment unit and an important feature of the overall development. Moreover, I note that the balconies are predominantly of toughened glass balustrade.

- 7.3.9. In this regard, I do not agree with the planning authority that the exposed balconies represent a minimal quantity and poor-quality design solution, having particular regard to the proposed orientation and pathway of the sun. Whilst recessed/partially enclosed balconies/winter gardens could be conditioned, I do not consider it to be necessary.

#### *Public Open Space*

- 7.3.10. As noted, in relation to the planning authority's concerns regarding the quality of public open space, including levels of natural surveillance, the applicant suggests that the overall provision is appropriate for a centrally located brownfield site. Moreover, the applicant submits that adequate passive surveillance will be provided over both public and communal open spaces through active street frontages and additional glazing.

- 7.3.11. The planning authority suggest that the public open space is remote from the units and subject to poor surveillance which affects its quality. It also states that there is no meaningful communal open space for use by residents alone at surface level and suggests that the introduction of basement parking would offer potential for usable, overlooked and centrally located open space, instead of surface level car parking.

- 7.3.12. I agree with the planning authority to an extent, and I consider that an additional public realm area should be provided to the front of the building, as noted above, in addition to revisions to the car parking arrangement to the rear of the building. This would address the dual concerns with regards to visual and residential amenity. It would however require the reduction or complete removal of 12 no. car parking spaces.

#### *Car Parking*

- 7.3.13. The applicant notes that the reduced quantum of car parking is accompanied by an appropriate number of drop-off, service, visitor and bicycle parking spaces to meet the needs of residents and contribute to a modal shift from car-based journeys. It also notes the availability of 1,658 public car parking spaces at the Whitewater and 692 spaces at the Courtyard multi-storey car parks and suggests that additional car parking

would not only work against achieving a modal shift but would also reduce the space for other amenity uses and contribute to more car-based traffic in the town centre.

- 7.3.14. The planning authority state that there is an inadequate quantum of car parking, noting that 6 no. apartments are without a space. They consider that a 1:1 ratio is appropriate and again suggest that basement car parking could potentially address this issue.
- 7.3.15. A ratio of 0.87 spaces per residential unit is proposed, 40 no. spaces in total with 12 no. spaces allocated to the retail/commercial unit, and therefore 52 no. spaces overall.
- 7.3.16. As noted, 40 no. spaces are located in the central courtyard and 12 no. spaces are located to the front of the building, adjacent to Athgarvan Road. Table 15.8 of the Development Plan indicates that the maximum standard for the proposed development is 122 no. spaces. Section 15.7.8 of the Plan notes that residential development within walking distances of town centres and high-capacity public transport should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, noting that car-free schemes should be considered in the first instance, mainly where such development is close to and can avail of public transport.
- 7.3.17. The appeal site is adjacent to 3 no. multi-storey car parks. The 'town centre' car park had 319 no. vacant spaces, 'Whitewater main car park' (green) had 401 no. vacant spaces and 'Whitewater multi-storey' (orange) car park had 777 no. vacant spaces at the time of my site inspection, as per the digital display screen at the entrance. Having regard to the submitted capacity figures, this suggests that the 'town centre' car park was at 54% capacity and the 'Whitewater' car parks were at 29% capacity cumulatively. This is clearly indicative of an oversupply of public car parking spaces.
- 7.3.18. I am therefore satisfied that there is sufficient commercial/retail parking in close proximity to the appeal site and the 12 no. commercial/retail spaces are not necessary. Removal of these spaces to facilitate additional public realm is therefore appropriate.
- 7.3.19. I am also satisfied that the appeal site fulfils the criteria for a significant reduction in parking provision as outlined in the New Apartments Guidelines, being an intermediate urban area within a 1.2km walking distance from Newbridge Train Station and within 500m of a reasonably frequent urban bus service as detailed in section 8.4 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022). This report also sets out a reasonable and demonstrable justification for the proposed residential car

parking ratio and therefore I do not consider that the shortfall in spaces would adversely impact on residential amenity. I do however recommend that a revised Mobility Management Plan be conditioned in order to address the further reduction.

- 7.3.20. For completeness, I also consider that the introduction of basement parking, as suggested by the planning authority, is not an appropriate or necessary measure.

#### *Conclusion on Residential Amenity*

- 7.3.21. As noted above, in the absence of any residential properties adjoining or adjacent to the appeal site, I consider there are no existing residential amenity issues that would conceivably arise by reason of overshadowing, overlooking or general overbearance.

- 7.3.22. On balance, the benefits of the proposed development significantly outweigh any residential amenity impacts on future occupants of the apartments, modest as they might be. In this regard, I am fully satisfied that the proposal would deliver a high standard of living whilst successfully securing comprehensive urban regeneration of an underutilised brownfield site and providing an effective urban design solution.

#### **7.4. Appropriate Assessment – Screening**

##### *Introduction*

- 7.4.1. An AA screening report prepared by Moore Group and dated 7<sup>th</sup> July 2022 was submitted with the application. It considered all the potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the proposed development; and the potential for in-combination effects arising from other plans and projects. It concludes, on the basis of the objective information, that the possibility may be excluded that the proposed development will have any significant effects on such sites.

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

- 7.4.2. The requirements of Article 6(3) of the Habitats Directive as related to screening the need for AA of a project under Section 177U of the Act are considered fully hereunder.

- 7.4.3. Having examined the application details and all other documentation on the appeal file, I am satisfied that I have sufficient information before me to allow for a complete examination and identification of any potential significant effects of the proposed development alone, or in combination with other plans and projects, on Natura sites.

#### *Test of likely significant effects*

- 7.4.4. The project is not directly connected with or necessary to the management of a European site and, therefore, it needs to be determined if the proposed development is likely to have significant effects on European sites.
- 7.4.5. The proposed development is examined in relation to any possible interaction with European sites designated as SACs and SPAs to assess whether it may give rise to significant effects on any European sites in view of their conservation objectives.

#### *Submissions and Observations*

- 7.4.6. The Water Services Section has no objection subject to standard conditions including those relating to SuDS and the maximisation of on-site infiltration and attenuation. Having regard to the surface water drainage proposals outlined in section 4 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022), I am satisfied that attenuation and disposal of surface water can be addressed by planning condition.
- 7.4.7. Uisce Éireann have no objection subject to standard observations in respect of connection agreements and compliance with their standards, codes and practices etc. I note that there is capacity in water supply to meet the 2032 population targets with a level of service improvement. I also note there is capacity available at Osberstown WWTP<sup>3</sup>. I have reviewed the foul drainage and water supply proposals as set out in sections 6 and 7 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022), as clarified by the further information response and I am satisfied that these issues can be addressed by condition. Although, I note that foul connection requires a 30m network extension, either by self-lay or by Uisce Éireann/agent acting on their behalf.

#### *European Sites*

- 7.4.8. The appeal site is not located in a European site. Section 4.1 / Table 1 of the AA Screening Report identifies two European Sites within a theoretical 15km zone of influence (Zol), both SACs. No potential pathways for significant effects between the appeal site and the two sites within the Zol were identified (Table 2). In my opinion, the applicant has included an insufficient number of sites within the Screening Report.
- 7.4.9. Having regard to the source-pathway-receptor (S-P-R) model, a summary of three European sites that occur within a possible Zol of the appeal site are outlined in

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<sup>3</sup> Also known as Upper Liffey Valley Sewerage Scheme (ULVSS) or Upper Liffey Valley WWTP



Appendix 2, two of which have been excluded at preliminary screening. The excluded sites either have no pathway or hydrologically, the combination of distance, dilution and dispersal would have no significant impact on these sites. There is, however, a pathway to the Poulaphouca Reservoir SPA and this requires further consideration.

*Poulaphouca Reservoir SPA (004063)*

7.4.10. The Poulaphouca Reservoir SPA is located in the western foothills of the Wicklow Mountains. According to the Site Synopsis, the reservoir covers an area of approximately 20 square kilometres and is the largest inland water body in the mid-east and south-east regions. It receives water from two main sources, the River Liffey at the northern end, and the Kings River at the southern end. The exit is into the River Liffey gorge at the western end. The principal interest of the site is the Greylag Goose population, which is of national importance. A range of other wildfowl species also occurs, including Whooper Swan, a species that is listed on Annex I of the EU Birds Directive. The site is also notable as a winter roost for gulls, especially Lesser Black-backed Gull. Part of Poulaphouca Reservoir SPA is also a Wildfowl Sanctuary.

7.4.11. The Conservation Objective for the Poulaphouca Reservoir SPA seeks to maintain/restore the favourable conservation condition for the two bird species for which the SPA has been selected. In this regard, I note that a supporting document of population trends and conservation condition has yet to be published by the NPWS.

*Identification of Likely Effects*

7.4.12. The appeal site is hydrologically connected to the Poulaphouca Reservoir SPA (004063) via the River Liffey. On this basis, I consider that potential impacts associated with the construction and operational phase of the proposed development primarily relate to potential impacts on water quality including:

1. Deterioration of water quality as a result of sediment and pollution loads arising during the construction phase; and
2. Deterioration in water quality as a result of sediment, pollution loads, hard surface flood/water runoff etc. during the operational phase.

*Construction Phase*

7.4.13. A stormwater drainage network currently serves the existing building and hardstanding within the site boundary. Runoff from the appeal site currently discharges to the

Athgarvan Road network. Asbestos removal, controlled building demolition and the removal of all underground building services is proposed as part of the enabling works.

- 7.4.14. During the construction phase, which is estimated to last 24 months, there is potential for surface water runoff from site works to temporarily discharge to the River Liffey, c. 400m to the east, southeast, which discharges to the Poulaphouca Reservoir SPA. However, in the absence of rivers, streams or drainage ditches on, or bounding, the appeal site, the uncontrolled hydrological connection is indirect and extremely weak. Intervening land uses and the separation distance means that water quality in this European site will not be negatively affected by any contaminants, such as sediment from site clearance and other construction activities, if such an event were to occur, due to dilution and settling out over such a distance. Moreover, a CEMP condition, requiring typical standard construction methods for managing construction surface water runoff will ensure that any such events are contained on the appeal site.
- 7.4.15. In terms of controlled surface water management during the construction phase, Section 5.4.10 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022) states that runoff will be collected prior to discharge to the local foul drainage network, the details of which are to be agreed with Irish Water, now Uisce Éireann. The report also states that all water leaving the site during the construction phase will be de-silted using standard techniques including silt busters/silt socks in accordance with a CEMP and governed by best practice standards such as those set out in CIRIA C532 etc.
- 7.4.16. In terms of hydrogeology, I note that the ground waterbody WFD Status for 2016-2021 for the appeal site is 'good'. Section 5.4.10 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022) states that groundwater monitoring will be carried out throughout the construction phase, and this will also take account of the recommendations in CIRIA C532, *Control of Water Pollution from Construction Sites*. I therefore consider that the construction phase will not therefore result in significant environmental impacts that could affect European sites within the wider catchment.

#### *Operational Phase*

- 7.4.17. Blue/green roof SuDS measures are proposed, covering the entirety of the roofed area to capture rainwater. Bioretention tree pits (raingardens), filter drains, porous asphalt, infiltration trenches and a proprietary treatment system are also proposed. Section 4.10 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022) outlines the

surface water sub-catchments, three in total. Surface water will be attenuated at roof level with a storage capacity of 90cu.m and outflow controlled to 2 l/s. An attenuation tank with a storage capacity of 76cu.m is proposed below the courtyard parking area.

- 7.4.18. Discharge from the appeal site will be to the existing Ø225mm sewer on the Athgarvan Road at 2 l/s. In this regard, I am satisfied that the runoff from the site is likely to be less than the predeveloped site and this will positively impact on infrastructure capacity through reduced quantity and improved quality over that of the existing development.
- 7.4.19. A new foul system is proposed via a piped local network beneath the building. All of the foul water will then gravitate towards the public network. The foul layout drawing illustrates a new section of Ø225mm sewer to service the proposed building across the Athgarvan Road/Industrial Estate Road junction and connecting to the existing Ø225mm sewer. Section 3.1 of the further information response (Donnachadh O'Brien, Dec. 2022) confirms that c. 30m of foul network extension will be required for the connection to the existing sewer. Wastewater will then discharge to Osberstown WWTP via the Kilbelin Wastewater Pumping Station, to the southeast of the site. Treated effluent from the WWTP then discharges, under licence, to the River Liffey.
- 7.4.20. Uisce Éireann Annual Environmental Report (AER) for 2022 notes that the Upper Liffey Valley Sewerage Treatment Scheme was compliant with the Emission Limit Values (ELV) in the Wastewater Discharge Licence. The AER also confirms that the facility has a surplus organic capacity of 30,034 PE and will not be exceeded within 3 years. Table 4 of the Infrastructure Design Report (Donnachadh O'Brien, July 2022) indicates that a 46-unit mixed-use development is anticipated to generate 233 PE. This is well within the surplus capacity at Osberstown WWTP. The 2020 and 2021 reports also indicate that the Osberstown WWTP was compliant with the ELVs.
- 7.4.21. The river waterbody WFD Status for 2016-2021 for the River Liffey through the majority of Newbridge is 'good', improving to 'high' just south of the built-up footprint. Its status is also 'good' in the vicinity of the discharge point from the Osberstown WWTP. This represents an improvement on the 2013-2018 WFD Status where 'high' status was not achieved to the south of Newbridge and only 'moderate' status was achieved in the vicinity of the discharge point. In such circumstances, I am satisfied that the impact on overall discharge would be negligible in the context of the WWTP.

#### *Consideration of residual impacts*

- 7.4.22. Airborne pollution during construction, namely dust, is highly unlikely to affect the Poulaphouca Reservoir SPA or indeed any other sensitive receptors, including the closer SACs, as noted in Appendix 2. It is also unlikely to be a factor during operation.
- 7.4.23. Noise disturbance on bird species that occur in the SPA as a result of the proposed construction phase can also be ruled out due to distance from their favoured habitat and such noise is highly likely to be absorbed within the urban noise environment. I also note that the site generally offers no supporting habitat, *ex situ* or otherwise, for the Greylag Goose or Lesser Black-backed Gull, and whilst I accept that foraging is not completely uncommon amongst *Anser anser* and gulls can be found in urban areas, it is highly unlikely at the appeal site due to the limited suitability and setting.
- 7.4.24. In this regard, I note that the area of hardstanding is extremely remote within the overall SPA context and noise from urban traffic is likely to deter bird activity. Moreover, neither of the species for which the Poulaphouca Reservoir SPA is designate, appear in the National Biodiversity Data Centre 1km grid around the site (NBDC ref. N8014). This is consistent with the Ecological Impact Assessment (EclA).

#### *Consideration of in-combination effects*

- 7.4.25. Other extant development is similarly served by urban drainage systems and the WWTP. A NIR was prepared for the Development Plan which includes the Core Strategy for Newbridge. The LAP, which provided for the Town Centre zoning, was screened for appropriate assessment. This screening found that effects on the integrity of the relevant European sites arising from the LAP were not likely, and therefore appropriate assessment was not warranted. No likely significant effects on the water quality of any European sites were identified in either the LAP or Development Plan. No likely significant in-combination effects are identified here.
- 7.4.26. The appeal site is not immediately adjacent to, or within, a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or *ex-situ*. The existing environment includes a WWTP and urban drainage systems. The acceptable distance between the proposed development and any European sites, and the weak and indirect stormwater pathway is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura network.

### *Mitigation measures*

7.4.27. In terms of operation, I note that the proposal connects to a drainage system which incorporates SuDS measures including pollutant removal as detailed in section 4.6.7 of the Infrastructure Report. I accept that this is designed to remove contaminants and may therefore have the effect of reducing the harmful effects of the project on the subject SPA, or other European sites. However, having regard to the *Eco Advocacy CLG* judgement (C-721/21) in June 2023, I am satisfied that these and other measures are features that are incorporated as standard features inherent in the construction of such schemes, irrespective of any effect on such sites, and are not therefore relied upon to reach a conclusion of no likely significant effects on any European site.

### *Screening Determination*

7.4.28. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project individually, or in combination with other plans and projects, would not be likely to give rise to significant effects on the Poulaphouca Reservoir SPA or any other European site, in view of the site's Conservation Objectives, and appropriate assessment (and submission of a NIS) is not required.

## **8.0 Recommendation**

8.1. I recommend that permission be **granted** for the reasons and considerations below.

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the Kildare County Development Plan 2023-2029, and the location of the proposed development on Tier 1 serviced lands within Newbridge town centre, zoned for Town Centre use under the provisions of the Newbridge LAP 2013-2019, it is considered that, subject to compliance with the conditions set out below, the proposed development would make efficient use of an underutilised brownfield site and positively contribute to compact growth in a built-up, mixed-use urban area, would positively contribute to an increase in housing stock in this town centre location with a range of social, commercial, retail, and public transport

infrastructure, would be acceptable in terms of urban design and building height, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure residential or visual amenities, or significantly increase traffic volumes in the area. 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, as amended by the further plans and particulars received by the planning authority on the 22<sup>nd</sup> day of 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 interests of clarity.

2. The proposed development shall be amended as follows:
  - (a) The proposed 450mm boundary wall with railing shall be removed.
  - (b) An area of street landscaping / public realm shall be provided to the front (southeast) of the building. It shall include a tree-lined boulevard effect along Athgarvan Road and may incorporate a reduced number of parking spaces.
  - (c) The car parking arrangement to the rear of the building shall be revised to incorporate useable and shared open spaces. This shall include grasscrete finishes to the parking spaces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the retail unit.

**Reason:** In the interest of visual amenity.

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

**Reason:** In the interest of urban legibility.

7. 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 amenity.

8. The internal road network serving the proposed development, including loading bays, junctions, parking areas, footpaths and kerbs, and access road to the car parking areas shall be in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS) and the detailed construction standards of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

9. (a) The maximum number of car parking spaces serving the proposed residential development shall be 40 in number, exclusive of car club spaces. The maximum number of car parking spaces serving the retail unit shall be 2 number accessible spaces. The location and layout of these spaces shall be agreed in writing with the planning authority prior to the commencement of development.
- (b) Residential car parking spaces shall be permanently allocated to residential use and shall not be sold, rented, or otherwise sub-let or leased to other parties.
- (c) A minimum of 20% of all residential car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.
- (d) The bicycle parking quantity shall be provided as per the bicycle parking standards of the Kildare Development Plan 2023-2029. Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be *in situ* prior to the occupation of the development.
- (e) Prior to the occupation of the development a Parking Management Plan shall be prepared for the development and submitted to and agreed in writing with the planning authority.

**Reason:** In the interest of sustainable transportation.

10. The development shall be carried out and operated in accordance with the provisions of a revised Mobility Management Plan (MMP) which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The MMP shall include specific objectives and measures to achieve modal split targets for the development which shall be implemented in full upon first occupation. The developer shall undertake an



annual monitoring exercise to the satisfaction of the planning authority for the first 5 years following first occupation and shall submit the results to the planning authority for consideration and placement on the public file.

**Reason:** To achieve a reasonable modal split in transport and travel patterns in the interest of sustainable development.

11. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a Traffic Management Plan (TMP) for the construction phase of the development for the written agreement of the planning authority. The TMP shall incorporate details of the road network to be used by construction traffic including oversized loads, detailed proposals for the protection of bridges, culverts and other structures to be traversed, as may be required. The agreed TMP shall be implemented in full during the course of construction of the development.

**Reason:** In the interest of sustainable transport and safety.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

**Reason:** In the interests of amenity and public safety.

13. 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 attenuation and disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interests of sustainable urban drainage.

14. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

**Reason:** In the interest of public health.

15. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

(a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;

(b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of proposed play equipment and street furniture including bollards, lighting fixtures and seating;

(d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

**Reason:** In the interest of visual amenity.

16. (a) The open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

17. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority not later than 6

months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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

18. 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 sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to obviate queuing of construction traffic on the adjoining road network;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage asbestos and excavated soil;

(l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains in accordance with the requirements of CIRIA C532, *Control of water pollution from construction sites*.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

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

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

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

21. 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.

22. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

23. 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.

24. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of Class 6(b) of the Kildare Development Contribution Scheme 2023-2029, or any subsequent scheme, which benefits the proposed development, in lieu of a shortfall in public open space provision. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** To ensure compliance with section 15.6.6 of the Kildare County Development Plan 2023-2029 and to contribute towards specific exceptional costs incurred by the planning authority which is reasonable in this regard.

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.

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Philip Maguire

Planning Inspector

29<sup>th</sup> March 2024

## Appendix 1

### Form 1 – EIA Pre-Screening

<b>Case Reference</b>	ABP-316145-23		
<b>Proposed Development Summary</b>	Demolition of existing structures and construction of a 5 to 6 storey mixed-use development		
<b>Development Address</b>	Former Newbridge Metal Products Factory, Athgarvan Road (also known as Military Road), Newbridge, County Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X		Proceed to Q.3
<b>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]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>		N/A	No EIAR or Prelim. Exam. Required
<b>Yes</b>	X	Class 10(b)(i) Class 10(b)(iv)	Proceed to Q.4
<b>4. Has Schedule 7A information been submitted?</b>			
<b>No</b>	X		Preliminary Examination required (Form 2)
<b>Yes</b>			Screening Determination required (Form 3)

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_



## Form 2 – EIA Preliminary Examination

<b>Case Reference</b>	ABP-316145-23	
<b>Proposed Development Summary</b>	Demolition of existing structures and construction of a 5 to 6 storey mixed-use development	
<b>Development Address</b>	Former Newbridge Metal Products Factory, Athgarvan Road (also known as Military Road), Newbridge, County Kildare	
<p><b>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.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>No. The construction of 46 no. apartments and 1 no. retail unit on serviced town centre lands and adjacent to a mixture of land uses is not considered to be exceptional in the context of the existing environment.</p> <p>No. The development will involve demolition wastes in the form of tarmac, brick, blocks and concrete in addition to excavated soils, boulder clay, rock and asbestos. Construction activities will require the use of potentially harmful materials, such as fuels, concrete and other such substances and give rise to waste for disposal. Such wastes will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be localised and temporary in nature and implementation of a CEMP will satisfactorily mitigate potential impacts. Connection to the WWTP is feasible and capacity is available. Significant wastes, emissions or pollutants are therefore not anticipated.</p>	No
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context</p>	<p>No. The appeal site has a stated area of 0.6674ha and forms part of a larger landholding as outlined in blue on the site location map. This landholding includes 'Westbank House', a vacant 3-storey office building at the junction of Cutlery Road and Athgarvan Road, and subject of permission for a 5-</p>	No

<p>of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>storey, 20 no. apartment, redevelopment scheme under PA ref. 21/1340. Permission has also been granted for the redevelopment of the adjacent site to the east under PA ref. 21/1145. The backdrop to the site is dominated by the Whitewater Shopping Centre and adjacent multi-storey car parks. The construction of 6-storey building consisting of 46 no. apartments and 1 no. retail unit is proposed. This is not considered exceptional in this context nor do significant cumulative effects arise having regard to these permitted and other existing projects.</p>	
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No. There are no ecologically sensitive locations in the immediate vicinity of the appeal site. The River Liffey is c. 400m east of the appeal site. The nearest European site is located c. 2km to the west – Pollardstown Fen SAC. It is also a pNHA. The appeal site is hydrologically connected to the Poulaphouca Reservoir SPA via surface water and wastewater. It is c. 15.6km southeast of the site.</p> <p>The appeal site is previously developed brownfield land with a two-storey utilitarian-type building previously occupied by Newbridge Metal Products. Having regard to the scale of the proposal, intervening land uses and separation distance, the proposed SuDS measures and CEMP, there is no potential to significantly impact on the ecological sensitivities of this European site or other significant environmental sensitivities in the area.</p>	<p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required.</p>		

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 – European Sites within Zone of Influence

European Site (Code)	Qualifying Interests <i>* indicates a priority habitat under the Habitats Directive</i>	Distance/ Direction	Connections	Considered further in Screening
<b>Special Areas of Conservation (SAC)</b>				
Pollardstown Fen SAC (000396)	[1013] Geyer's Whorl Snail <i>Vertigo geyeri</i> [1014] Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> [1016] Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> [7210] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> * [7220] Petrifying springs with tufa formation ( <i>Cratoneurion</i> )* [7230] Alkaline fens	2km  West	No.  There is no direct connection between the appeal site and this SAC.  Surface waters from the appeal site flow towards the River Liffey and there is no indirect connection between it and the SAC via watercourses, drains, ditches etc.  The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which the SAC is designated.	No

<p>Mouds Bog SAC (002331)</p>	<p>[7110] Active raised bogs*</p> <p>[7120] Degraded raised bogs still capable of natural regeneration</p> <p>[7150] Depressions on peat substrates of the <i>Rhynchosporion</i></p>	<p>3.1km North</p>	<p>No.</p> <p>There is no direct connection between the appeal site and this SAC.</p> <p>Surface waters from the appeal site flow towards the River Liffey and there is no indirect connection between it and the SAC via watercourses, drains, ditches etc.</p> <p>The location, scale and duration of the project is such that it will not contribute to direct, indirect or in-combination impacts for which the SAC is designated.</p>	<p>No</p>
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**Special Protection Areas (SPA)**

Poulaphouca Reservoir SPA (004063)	[A043] Greylag Goose <i>Anser anser</i>	15.6km	Yes.	Yes
	[A183] Lesser Black-backed Gull <i>Larus fuscus</i>	SE	Hydrological connections via (i) surface water run-off to the River Liffey via the receiving drainage network during the construction phase and (ii) wastewater from the appeal site which passes through Osberstown WWTP and discharges via an outfall system to the River Liffey.	

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