



An
Bord
Pleanála

Inspector's Report

ABP-317266-23

Development	168 residential units and creche
Location	Clane Road & Sallins Link Road, Sallins, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2023269
Applicant(s)	William Neville and Sons
Type of Application	Large-Scale Residential Development
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Observer(s)	Flynn Architects Fergus Carpenter
Date of Site Inspection	7 th July 2023
Inspector	Paul O'Brien

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1.0 Site Location and Description

- 1.1. The subject site with a stated net area of 4.6 hectares comprises lands to the west of the Clane Road/ R407 regional road and to the north of the Sallins Link Road, to the north west of the centre of Sallins, Co. Kildare. The Sallins Link Road connects Sallins with the M7 Dublin to Limerick road and the R407 connects Naas with Kilcock.
- 1.2. The site is generally level, with no significant topographical features identified on the day of the site visit. The subject lands are mostly under grass, though large areas of concrete hardstanding are located towards the south western part of the site and a number of abandoned/ incomplete roadways are present throughout the site area. Trees are present at the southern centre and northern parts of the site.
- 1.3. The lands to the west are in use by Sallins Celtic football club and a short laneway, gated towards the south, provides access to their facilities. Lands to the north are mostly in residential use through the Willow Grove development. The eastern side boundary adjoins the Clane Road and other than a mixed use three store block of apartments over retail/ commercial units, the rest of the roadside is undeveloped. The southern part of the site adjoins the Sallins Link Road and there is no above ground development along this section of the site.
- 1.4. The River Liffey is approximately 550 m to the west of the site and the Grand Canal is approximately 200 m to the south of the site.
- 1.5. The primary form of public transport serving Sallins is via the railway services between Sallins and Naas station, approximately 500 m from the south east corner of the site. Approximately two trains an hour run between Sallins and Dublin Heuston, trains generally coming from/ going to Portlaoise once an hour and the other service starting/ terminating in Newbridge. Additional peak hour services run to and from Grand Canal Dock station via Dublin Connolly.
- 1.6. Bus service provision is limited to the following:

Route (operated by):	Location/ Distance from site:	From	To	Frequency – Off Peak
139 (JJ Kavanagh)	Stop on Clane Road approximately 110 m to the south of the site	Naas	Blanchardstown SC and Institute of	Every two hours

			Technology Maynooth	via	
183 (Local Link)	Stop near south of station, approximately 600 m to the south of the site.	Sallins Station	Arklow Glendalough Wicklow	via and	4 times a day
821 (Local Link)	Stop near south of station, approximately 600 m to the south of the site.	Sallins Station	Newbridge via Naas		6 to 7 a day
885 (Local Link)	Stop near south of station, approximately 600 m to the south of the site.	Sallins Station	Ballymore		4 a day

2.0 Proposed Development

- 2.1. The proposal, as per the submitted public notices, comprises the construction of 106 houses and 62 apartments, a creche, open space and all associated site works.
- 2.2. The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	4.06 hectares
Site Coverage	0.18
Plot Ratio	0.43
No. of Houses	106
No. of Apartments	62
Total	168
Density –	41.4 units per hectare
Public Open Space Provision	6,740 sq m (16.6% of total site area)
Car Parking –	
Houses	212 (Two per house)
Apartments	70 (42 in the basement and 38 surface level)
Creche	10
Total	292
Bicycle Parking –	0

Table 2: Unit Mix

House Type					
	3 Storey-Detached	3 Storey – Semi Detached	2 Storey – Semi-detached/ end of Terrace	2 Storey - Terraced	Total
2 Beds				28	28
3 Beds			56		56
4 Beds	8	14			22
Total	8	14	56	28	106

Apartments			
	Bedrooms		
Block	1 Bed	2 Beds	Total
A	4	14	18
B	8	7	15
C	1	20	21
D	4	4	8
Total	17	45	62

- 2.3. The proposed creche, which is located within the ground floor of Block B, has a stated floor area of 214 sq m.
- 2.4. The proposed vehicular access is from the Sallins Link Road to the south of the site and an access is also available towards the north east of the site onto the Clane Road. Additional access points for pedestrians are available around the site.
- 2.5. Public open space is proposed to the south of the site adjacent to the Sallins Link Road, with a stated area of 3,310 sq m and towards the north centre of the site with a stated area of 3,430 sq m. Smaller areas of open space are located to the south west corner and to the south east corner of the subject lands.

3.0 Planning Authority Pre-Application Opinion

3.1. A LRD/ Section 247 Consultation Meeting took place on the 23rd of August 2022 between representatives of the applicant and the Planning Authority, Kildare County Council. A Section 247 pre-planning meeting had taken place on the 2nd of December 2021.

3.2. The following issues were identified during the LRD meeting, of the 23rd of August 2022:

- The proposal did not demonstrate compliance with the 12 criteria provided in the Urban Design Manual.
- A number of concerns about the proposed layout of the development and its integration with the existing form of development in the area.
- The corner duplex unit (Clane Road and Sallins Link Road) was a specific issue of concern.
- The proposed ground floor apartments were only provided with floor to ceiling heights of 2.4 m.
- No sunlight/ daylight analysis provided.
- Issues over the proposed open space/ landscaping/ boundary treatment and play areas on site.
- Issues over the proposed Part V housing.
- Car parking provision not acceptable.
- Details in relation to Construction & Demolition Waste Management and Acoustic Design Statement not acceptable.
- Query over potential dumping on site and need for full details in relation to waste disposal/ management on site.

The applicant made a response to a number of the raised issues; however, the Planning Authority was not satisfied with all of the responses. The design of the Clane Road and Sallins Link Road was revised but not to the satisfaction of the Planning Authority. Further details were raised in relation to materials to be used, the design of the Multi Use Games Area (MUGA) and the overall design of the development to have

regard to the existing character of Sallins. The Planning Authority considered it appropriate that a masterplan be prepared, and which would demonstrate how the development of this site could integrate with its surroundings. Concern was expressed that the proposed development of the site would prejudice the development of other lands in the area.

Further revisions were made to the corner site and the Planning Authority considered that the design of the apartments may adversely impact on the setting of the adjacent Home Farm House, which is listed on the Record of Protected Structures.

The floor to ceiling heights of the ground floor units was raised from 2.4 m to 2.7 m, though the Planning Authority remained concerned by the potential for impact on the privacy of those who occupy the proposed ground floor apartment units. The proposed creche, which is included within Block B, is not acceptable; a standalone unit with dual use would be preferable. The proposed site landscaping was revised but remained unacceptable to the Planning Authority and the Kildare Parks Department and the Heritage Officer also raised issues of concern.

Car parking provision is inadequate to serve the development, though the National Transport Authority reported that there was an excessive provision of car parking to serve this development.

The applicant responded to other points of concern and an Acoustic Design Statement, and an Outline Operational Waste Management Plan have been provided following consultation with the Planning Authority.

4.0 Planning Authority Decision

4.1. Decision

The Planning Authority decided to refuse permission subject to four reasons summarised as follows:

1. The proposed unit, Block C, on the corner of the Sallins Link Road and the Clane Road was out of character with the existing form of development in the area. The proposed development would set an undesirable precedent for similar development and would depreciate the value of property in the vicinity.

2. The proposed Block C would have a negative impact on the adjoining Home Farm House, which is included on the Record of Protected Structures, and there is also potential for the development having a negative impact on potential archaeological remains in the vicinity of the site.

3. The proposed landscaping design is insufficient and the development as proposed would have a negative impact on boundary hedgerows that may be 'trapped' by the form of development proposed.

4. The application did not include a comprehensive Traffic and Transport Assessment, and insufficient details have been provided with regard to the potential impact on the existing public road network. The proposed design of the public footpath/ cycle track is not acceptable and is not in accordance with the requirements of Kildare County Council.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for the proposed development for the four reasons outlined. The proposed density and nature of development was considered to be acceptable, and the site is suitably zoned for residential development.

The Planning Authority recommended during the pre-planning process, that the applicant prepare a masterplan that would demonstrate how the subject development would integrate with adjoining lands. The proposed design and layout were raised as issues of concern and the inclusion of SuDS features within the open space areas was also a matter of concern.

4.2.2. Other Technical Reports

- Roads, Transportation and Public Safety Department (RTPS): Refusal recommended as the development did not provide for a vehicular access onto the Clane Road to the north of the site, proposed cycle/ pedestrian paths were insufficient, a comprehensive Traffic and Transport Assessment has not been provided, insufficient provision of car parking and the noise assessment did not

demonstrate that noise levels would be acceptable for the future residents of the development and users of the creche facility.

- Heritage Officer: Refusal recommended due to potential impact on unrecorded archaeology in the area of the subject site and also due to a failure to adequately incorporate hedgerows into the overall design/ layout of this development.
- Naas Municipal District Planning Report: Refers back to the report of the Kildare County Council Roads, Transportation and Public Safety Department.
- Architectural Conservation Officer Report: Concern about the potential impact of Block C on Home Farm House, which is a protected structure. Refusal of permission is recommended.
- Water Services: No objection to the proposed development subject to recommended conditions.
- Environmental Planning: No objection to the proposed development subject to recommended conditions.
- Kildare Fire Service: No objection to the proposed development subject to recommended conditions.
- Park Section: Refusal recommended due to insufficient landscape design details and also due to the poor design of the open space/ landscaping of the site.
- Building and Development Control Section: Conditions recommended in the event that permission is granted for this development.

4.2.3. Prescribed Bodies

- Department of Housing, Local Government and Heritage: Request that an Archaeological Impact Assessment be undertaken of the site.
- National Transport Authority (NTA): Consolidation of urban areas is a key to reducing demand for travel, there is an over provision of car parking to serve this development and it is recommended that this be re-evaluated.
- Transport Infrastructure Ireland (TIIA): No comments to make.
- Uisce Éireann: No objection to the proposed development subject to recommended conditions.

4.2.4. **Third Party Observations**

A total of 24 submissions were received. Submissions were received from Councillors Bill Clear and Carmel Kelly, from Sallins Community Council, the Sallins Tidy Town Group, and the Sallins Biodiversity Group, in addition to individual members of the public. The issues raised include the following summarised comments, which I have grouped under appropriate headings:

Principle of development:

- Welcome for the development of the site for high density housing.
- Site is appropriate considering its location within close proximity to a railway station.
- There is a need for a plan for the development of housing/ Sallins in a sustainable manner.
- The proposed development does not support the development of a 'core retail area' which was included in the Sallins Local Area Plan 2016 – 2022.

Impact on the character of the area:

- The lands at the junction of the Clane Road and the Sallins Link Road has been looked after by the community for 15 years.
- Concern that there has been dumping on these lands over a period of time.
- Request that the public open space, known as Salley Park, be left as is and be handed over to the community.
- Request that Braithwaite House/ Home Farm House be handed over to the community in addition to the lands that adjoin this house.

Design:

- There is a need for use of good quality materials in the finish of the proposed development.
- Four storey buildings would be out of character with the existing form of development in Sallins.
- The development along the Clane Road is out of character with the rest of Sallins.
- Need for the proposed open space areas to be useable, especially for children.

- Houses and estates in the area are provided with front gardens and verges/ setbacks. These are not provided for in the subject development.
- The existing Sallins Town Centre development is considered to be unattractive, and the proposed development should not follow its design. Recommended that this existing building be demolished.
- The proposed development would have a negative impact on Home Farm House, which is listed on the Record of Protected Structures.
- There is no intention to provide the MUGA, only the lands for some other body to develop the facility.
- Welcome for the two-bedroom apartment units but there is a need for more three-bedroom units.

Traffic and Transport:

- The development of Sallins has been reliant on car-based transport.
- Shortfall in public transport provision in the area.
- There is a need for proper traffic management during the construction phase of the development.
- Request that a special contribution be levied to enable the development of a bridge over the Grand Canal.
- Need for suitable foot and cycle paths as part of the development and to connect the subject lands to services in the Sallins area.
- Recommended that the junction opposite Flanagan's pub be realigned.

Biodiversity

- The proposed development would result in the removal of an area of public open space.
- Much work has gone into the improvement of the open space at the junction of the Clane Road and the Sallins Link Road.
- Welcome for the provision of additional open space, however this will not support biodiversity found in the area.
- Request that the landscaping of the site uses native Irish species.

- Concern about the number of trees that are to be removed to facilitate this development.
- Concern about the lack of green infrastructure proposed for this development.

General Comments:

- The developer owns a large area of land within Sallins.
- There is a shortage of community facilities in the area.
- There is a shortage of school places at present.
- The population of Sallins has increased significantly over recent years.
- Sallins has grown population wise but not in terms of services/ facilities.
- Concern about the quality of developments in Sallins over recent years.
- The development of Sallins should ensure that it retains its character, and it may develop as an appealing place for ecotourism in the future.
- There are a number of vacant buildings in Sallins at present, and which are an eyesore.
- The submitted shadow assessment is not accurate, a revised one should be prepared for the proposed apartment blocks.

5.0 Planning History

PA Ref. 21/656 refers to a July 2021 decision to refuse permission for a residential development comprising 30 dwelling houses (5 no. three storey 4 bed detached, 12 no two storey 3 bed semi-detached, 11 no. two storey 2 bed terraced and 2 no. three storey 3 bed terraced), 2 no. 4 storey apartment blocks (containing 50 units) and 1 no. 3 storey apartment block (containing 10 units) 60 car parking spaces, bicycle parking and bin stores, together with all associated site development works. Reasons for refusal included, in summary:

1. Non-compliance with the 12 Criteria provided in the Urban Design Manual Practice Guidelines and the development if permitted would set a poor precedent for similar developments in the county.

2. The development failed to demonstrate compliance with minimum standards in terms of storage, floor area and private amenity space as per Chapter 17 of the Kildare County Development Plan 2017-2023.
3. The proposed standard of residential amenity provided for in the apartment blocks was not acceptable.
4. Contravention of the zoning objective as no public playground/ MUGA has been included as part of the overall design of this development.

6.0 Policy Context

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

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

A number of key policy objectives are noted as follows:

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

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

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to 'Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages'.
- National Policy Objective 33 seeks to 'Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location'.
- National Policy Objective 35 seeks 'To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights'.

6.1.2. **Section 28 Ministerial Guidelines**

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

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2023).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).

Other Relevant Policy Documents include:

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

6.2. Regional Policy

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

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

6.3. Local/ County Policy

6.3.1. Kildare County Development Plan 2023 - 2029

The Kildare County Development Plan 2023 – 2029 was adopted on the 9th of December 2022 and came into effect on the 28th of January 2023 and is the current statutory plan for County Kildare, including Sallins. Naas is listed as one of five Municipal Districts in County Kildare, and which includes Sallins, and Sallins is listed as a Town in the Settlement Hierarchy. The population of County Kildare, 2022 figures, is given as 246,977 people and is expected to be 266,500 by 2031. The population of Sallins is given as 5,849 people as indicated on Figure 2.8 – Core Strategy Table.

According to Table 2.3 'Housing Target for County Kildare', there is demand for 18,425 homes over the period of 2020 – 2031 and Table 2.4 – 'Methodology used to determine housing targets to the end of the Plan period', indicates a demand for 9,144 units over the period of this development plan.

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

Chapter 3 – ‘Housing’ provides appropriate densities in Table 3.1. Smaller Towns & Villages have a general density of 30-40+ units per hectare in Centrally located sites. The following is included in the development plan:

‘The guidance and density ranges provided in Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) have been considered in preparing the Core Strategy table contained in Chapter 2 of the Plan. The Core Strategy table includes a Target Residential Density (Units per Hectare) for each settlement based on its function within the settlement hierarchy.

Circular letter NRUP 02/2021 was issued to Planning Authorities to provide clarity in relation to the interpretation and application of current statutory guidelines in respect of how residential densities are applied to towns and villages. The Circular highlights that in certain locations, particularly at the edges of towns in a rural context, more compact forms of development may include residential densities at a lower level than would be considered appropriate in a city or large town context.

Accordingly, the Circular clarifies the application of the Sustainable Residential Development Guidelines to ensure that when carrying out their planning functions, An Bord Pleanála and Planning Authorities apply a graduated and responsive, tailored approach to the assessment of residential densities in Peripheral and/or Less Accessible Urban Locations, as defined in the Sustainable Urban Housing: Design Standards for New Apartments, DHLGH, 2020, and as they apply to towns of all sizes, to ensure that such places are developed in a sustainable and proportionate manner.’

Note: The Sustainable Residential Development in Urban Areas, 2009, define larger towns as those with a population of over 5,000 or more. Considering its location on a public transport corridor, the density could be a minimum of 50 units per hectare, indicating that the development plan is not in accordance with national guidance.

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

HO 015: ‘a) Require that new residential developments provide for a wide variety of housing types, sizes and tenures. b) Specify target housing mixes, as appropriate, for certain sites and settlements as part of the Local Area Plan process. c) Require the submission of a ‘Statement of Housing Mix’ with all applications for 10 or more residential units. d) Require that all new residential developments in excess of 5

residential units provide for a minimum of 20% universally designed units in accordance with the requirements of ‘Building for Everyone: A Universal Design Approach’ published by the National Disability Centre for Excellence in Universal Design. Further detail in respect of unit mix is set out in Chapter 15: Development Management Standards’

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

Chapter 5 refers to ‘Sustainable Mobility & Transport’, I note Objective TM O10 which seeks to ‘Facilitate and secure the delivery/implementation of the public transport projects that relate to County Kildare as identified within the Integrated Implementation Plan (2019-2024), (or any superseding document), including the DART+ programme (Including DART+ West and DART+ South West), BusConnects and the light rail investments. The DART+ projects present an opportunity to improve journey time, reliability, and train frequency’.

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

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

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

Four bedroom	110m ²	10m ²	75m ²
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Table 15.3 provides the ‘Minimum Private Open Space Requirements for Apartments’:

Unit Type	Private Space
Studio	4m ²
One Bedroom	5m ²
Two Bedroom	6m ²
Three Bedroom	7m ²
Four Bedrooms or more	9m ²

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

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

The use of shared car schemes will be encouraged in appropriate town centre and urban locations’.

The Planning Authority, through their report, have listed a number of other objectives and policies that they consider to be relevant to the assessment of this application.

Appendix 6 of the Plan includes the Record of Protected Structures and Home Farm House, located on the opposite side of the Sallins Link Road, is listed under RPS no. B19-33 and is described as a House.

6.3.2. **Sallins Local Area Plan 2016 – 2022**

The south eastern/ southern part of these lands is zoned K1 – ‘To protect and improve existing commercial and residential uses and provide for additional compatible uses’.

The remaining lands forming the subject site are zoned C5 – ‘To provide for new residential development’.

6.4. **Natural Heritage Designations**

None.

6.5. **EIA Screening**

6.5.1. An Environmental Impact Assessment Screening report has not been submitted with the application. The Local Authority Planning Report considers the need for EIA can be excluded at preliminary examination stage and a screening determination is not required.

6.5.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

6.5.3. The proposed development comprises the development of 106 houses and 62 apartments and a creche in addition to all necessary site/ associated works. The site is located to the north of Sallins Link Road and to the west of the Clane Road to the north of the centre of Sallins.

6.5.4. Regarding sub-threshold EIA, I note that the site is located within the built-up urban area of Sallins. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development would not give rise to significant or hazardous waste, pollution or

nuisances and would not give rise to a risk of major accidents or risks to human health. Wastewater and surface water would both drain to the public network, upon which their effect would be marginal. I refer to Section 8.10.3 which addresses Ecological Impact Assessment and Section 9.0 which addresses Appropriate Assessment.

6.5.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site within a built-up area, served by public infrastructure, on lands that are zoned for K1 – ‘To protect and improve existing commercial and residential uses and provide for additional compatible uses’ and C5 - ‘To provide for new residential development’ in the Sallins Local Area Plan, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

6.5.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

7.0 The Appeal

7.1. Grounds of Appeal

7.2. Simon Clear Associates were engaged by the applicant to prepare an appeal against the decision of Kildare County Council to refuse permission for the proposed development.

7.3. The following comments are made, in summary:

- The Planning Authority did not oppose the principle of development on these lands, and which was found to be consistent with the core strategy and the settlement strategy set out in the Kildare County Development Plan.
- Background to the LRD process and consultation with the Planning Authority are provided. Consider that more details should have been provided in the issued Opinion to enable the applicant to make the appropriate revisions.
- Report that 174 additional units are allocated to Sallins over the period of the current Kildare Development Plan 2023 – 2029 and also report that the population of Sallins as a percentage of the county population has dropped from 2.62% to 2.1% over the period 2016 – 2021.
- Report that a Masterplan has been prepared in the past and sets out the general form of proposed development within Sallins and specifically in relation to the former meatpackers plant.
- Specific comments are made in relation to potential overshadowing and daylight issues and the potential impact on adjoining units.
- Traffic has been removed from the centre of Sallins following the opening of the Sallins by-pass.
- Comments made on the suitability/ sustainability of two-storey units within a town centre location such as this.
- Comment also made on the proposed design of Block C.
- The setting of Home Farm House was also raised in the appeal noting the adjacent signage associated with a nearby supermarket.

- Details in relation to the provision of open space and play areas can be agreed by way of condition. Comments made in relation to biodiversity and boundary treatments.
- The proposed development will not have a negative impact on natural heritage considering that the site was previously in use as part of an industrial complex – a meatpacking facility.
- The appeal notes the conflict between the Kildare County Council Roads Department report and the report of the National Transport Authority in relation to car parking provision.
- The applicant expressed their opinion that the provision of educational facilities/ places is not their function but is a role for the Department of Education and Skills and the Planning Authority. It is not a role of the applicant/ their agent to provide information in relation to social services.
- The applicant should only develop/ fund facilities that are necessary for a development and not be forced to fund additional measures. References the MUGA and active travel infrastructure.

Specific comment is made in relation to the reasons for refusal as issued by Kildare County Council.

- Impact on the character of the area and on the protected structure are overstated considering the current streetscape and the presence of a large totem sign adjacent to the protected structure. There is a 33 m separation between the protected structure and the proposed development.
- An EIS was submitted in support of a previous application on these lands under PA Ref. 04/1823 and which found no archaeological features in the area. Considering the previous use of these lands, no archaeology is expected here, and monitoring would be undertaken during site clearance.
- It is considered that the proposed development is unlikely to impact on heritage hedgerows and would not result in trapped hedgerows.

- In terms of impact on the existing road network, no impact is foreseen as the scale of development at less than 200 units and the potential combined peak hours trips of less than 100, would not give rise to issues of concern.

The proposed development replaces a proposal for a shopping centre that was permitted on these lands. The development is in accordance with the character of the area and benefits from significant road upgrades/ new infrastructure. Request that permission be granted for this development.

7.4. Planning Authority Response

Reiterate their concern regarding the scale, layout, bulk, design and form of the proposed development and its potential impact on Sallins Town Centre and the impact of Block C on the adjacent protected structure – Home Farm House. Concern remains over the lack of a detailed TTA, suitable cycle/ pedestrian infrastructure and the poor quality of the open space/ landscaping proposed on site.

7.5. Observations

Two observations were received, and the following comments made:

Flynn Architects:

- Insufficient information given on the impact of the development on Home Farm House. This structure is in the ownership of the applicant.
- The applicant has failed to provide full details of their landholding in Sallins, no architectural impact assessment has been provided in support of the application.
- Concern about the use of Google Streetview to demonstrate the impact of the development on the protected structure.
- Submitted drawings, elevations and plans are misleading through their scale, and lack of details including figured dimensions.
- The protected structure is acknowledged to be in poor condition.
- The urban realm is not of a suitably high quality in Sallins, and it appears that the proposed development, considered to be substandard, is justified on this basis.

Sallins Community Council prepared by Fergus Carpenter:

- Acknowledges the housing crisis and the fact that the site is zoned for residential use.
- Concern about the proposed design of this development.
- The loss of the grass verge/ open space along the Sallins Link Road/ and the corner of the Clane Road.
- Need for Kildare County Council to prepare a suitable plan for the development of Sallins.
- Should be a set back from the roadside edge as is the character of Sallins at present. Many of the existing houses have front gardens which provide for a suitable setback.
- Sallins has undergone a rapid change from a village to a small town, the development of a large building on the corner site would be out of character with the established form of development here.
- The proposed development would have a negative impact on Home Farm House.
- The development and form of the Sallins Town Centre development provided the most unattractive building in the centre of Sallins.
- The development of three/ four storey apartment blocks would be out of character with the established form of development in Sallins.
- The MUGA will not be provided by the developer, only the land will be set aside for such future development.
- Need for more three bedroom apartments.
- There is a need for improved pedestrian and cycle facilities to serve the future increased population of Sallins. A number of recommendations are included in the submission. Safety measures are required during the construction phase.
- The proposed development should be built using high quality materials and finishes. Previous developments have not demonstrated the use of suitable materials.
- The development of this site in an appropriate fashion is important as it will set the standard for Sallins into the future.

8.0 **Assessment**

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

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

8.2. **Principle of Development**

8.2.1. The applicant has appealed the decision of Kildare County Council who refused permission for this development for the four reasons already outlined in this report. The proposal is for the development of 106 houses and 62 apartments and a creche on a brownfield site located to the north of the Sallins Link Road and to the west of the Clane Road towards the north of Sallins. There are no structures on site and other than the remains of concrete hardstanding areas and internal roads, the majority of the site is under grass.

8.2.2. The lands are suitably zoned for the development of housing and associated facilities such as a creche. The Planning Authority had no issue in relation to the development of this site for housing and I note that a number of the objections to the application/ observations on the appeal had no objection either, to the development of the site for housing.

8.2.3. The site is located towards the extended centre of Sallins, and I consider the site to be suitable for housing. Sallins is served by a regular train service with a station within walking distance of this site. Whilst other forms of public transport, in the form of bus

services, are somewhat limited, there are services to other parts of Co. Kildare and destinations further away including Maynooth, Blanchardstown and parts of County Wicklow.

- 8.2.4. I have no objection to the proposed scheme in terms of development on these suitably zoned lands for residential use and I also consider that a mix of houses and apartments is acceptable. Potential impact on the character, visual, and residential amenity of the area are considered in the following sections of my report.

8.3. Density & Scale of Development

- 8.3.1. No particular issue of concern was raised by the Planning Authority in their assessment in relation to the proposed density of the development. I note that whilst the scale of development was raised as a concern in some of the letters of objection, the issue of density was not a significant issue.

- 8.3.2. The Kildare County Development Plan 2023 – 2029 through Table 3.1 provides appropriate density levels and as the site is defined as a centrally located site within a smaller town, a general density of between 30 – 40+ units is considered to be acceptable. The proposed development of 168 units on a site of 4.06 hectares provides for a density of 41.4 units per hectare.

- 8.3.3. I consider that the density of a proposed development is appropriate where it can be established that the site is suitable for the proposed number of units, and where it can be established that the development would not give rise to a negative impact on the character and residential amenity of the area it is to be located within/ adjoins. National policy is to encourage the consolidation of urban areas, and this generally means that the density of units will increase in such a location. The Kildare County Development Plan incorporates and expands on this national policy and seeks to increase the number of residential units in appropriate locations throughout the city area. Table 3.1 specifically refers to the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities, 2009. The Sustainable Residential Development in Urban Areas, 2009, define larger towns as those with a population of over 5,000 or more. Considering the location of Sallins on a public transport corridor, the potential density could be a minimum of 50 units per hectare, or over 200 units on this site.

- 8.3.4. The applicant has provided a density that is in accordance with the requirements of the Kildare County Development Plan. The site is located within an established urban

area with a range of retail, educational and community facilities available. Public transport provision, primarily in the form of a regular train service, is appropriate for the scale and type of development that is proposed in this location. In terms of good planning, a higher density/ number of units could have been proposed, but the applicant has decided to develop the site in accordance with the density set out in Table 3.1.

8.4. Impact on the Character of the Area

- 8.4.1. The Planning Authority recommended refusal for this development with two of the reasons for refusal referring to the impact on the character of the area/ specific features of the area with reference to Home Farm House which is listed on the record of protected structures – RPS no. B19-33. The Planning Authority reported a serious concern about the visual impact of the proposed development ‘on the immediate area and the streetscape of Sallins’. The applicant has provided CGIs in support of the proposed development, in addition to submitted elevational drawings and contiguous elevations. A number of the letters of objection to the original application and the observations on the appeal, reported concern about the proposed design and impact on the character of the area.
- 8.4.2. The applicant has outlined why they consider that the proposed development is acceptable in this location and have referred to the submitted Urban Design Statement and the CGIs in support of the proposed development. The location of the development within an established urban area and within walking distance of a railway station demonstrate that the site is suitable for this development.
- 8.4.3. As reported, I have no issue with the density/ number of units proposed. The allocated density for a development of this nature results in traditional housing being the predominant form of residential unit proposed, rather than more apartment/ duplex units. The layout of the houses is on the basis of relatively large blocks of units and long streets of houses. Whilst there is no innovation in the layout, it is accepted that the positioning of the houses is limited by the site shape. This is demonstrated by units no. 17 to 22, which are four-bedroom houses, but are provided with gardens with between 90 sq m and 193 sq m. The layout here could be revised to form a crescent, reducing the straight section along this street, reducing the private amenity to the rear of the houses to a more standard garden area, though this impact on residential

amenity in terms of daylight and sunlight. In general, the private amenity space for the houses is acceptable.

- 8.4.4. The proposed houses are considered to be visually acceptable, and variety is provided through the six house types, which includes a mix of two and three storey units. As a town centre location, it is appropriate that such a mix of unit types and height be provided for. The proposed apartment blocks and in particular Block C are the most significant issues of concern in relation to the impact of the development on the established character of Sallins.
- 8.4.5. The Planning Authority referred to the impact on the Home Farm House which is listed on the record of protected structures. It is unfortunate that an overly large totem sign for the nearby Lidl store is located adjacent to this vacant unit, however I agree with the report of the Planning Authority, that the development of Block C would adversely impact on the protected structure. In addition, the proposed development of Blocks A to C do not integrate with the existing Sallins Town Centre development on the Clane Road. I note that a large number of comments in the letters of objection referred to the unpopularity of this existing block of units, having a negative impact on the character of Sallins. An opportunity existed for the proposal to incorporate these units through the development of a high-quality streetscape here.
- 8.4.6. I am not opposed to the development of a four or even five storey units here, but the design is not appropriate and perhaps the introduction of pitched roofs into the apartment design would ensure an integration with the existing form of development in Sallins as well as with the proposed houses on site. Drawing PL005 provides contiguous elevations of the 'Streetscapes' and whilst that on the Sallins Link Road is acceptable, the streetscape along the Clane Road demonstrates a lack of integration and fails to include the protected structure on the opposite side of the Sallins Link Road. Whilst Block C was identified by the Planning Authority in their reasons for refusal, I consider that the design of Blocks A and B does not enable a suitable integration with the existing streetscape, either with the Sallins Town Centre development, the existing block to the north or with the houses on the opposite/eastern side of the Clane Road.
- 8.4.7. I recommend that permission be refused for the development as the design of the apartment units does not allow for a good integration with the existing character of the

area, the streetscape of the Clane Road and with the rest of the development. In addition, Block C does not demonstrate that it has suitable regard to Home Farm House, which is listed on the Record of Protected Structures.

8.4.8. The Board may alternatively decide to remove/ replace Blocks A, B and C or one or two of these blocks if they consider this to be a more suitable approach. I would caution against this approach, as this may result in an incomplete development on this section of the Clane Road. Additional comments are made later in this report on the layout of the site in relation to pedestrian and cyclist use.

8.5. Impact on Proposed Residential Amenity

8.5.1. Unit Mix: The proposed development provides for a mix of house and apartments, the houses in the form of two-, three- and four-bedroom units and the apartments in the form of one- and two-bedroom units. The Planning Authority raised no issues of concern in relation to the housing mix and I am satisfied that the mix of unit types is acceptable.

8.5.2. Quality of Units – Floor Areas: The applicant has provided a breakdown of the floor areas for each of the unit types. All units meet/ exceed the minimum requirements and adequate storage space is proposed to serve the needs of the future residents of these units.

8.5.3. The Planning Authority note that the storage space, especially for the apartments, is partially in the form of wardrobes. The apartment units are provided with a dedicated storage space generally in the form of a store with its own door as part of the floorspace, but a sizeable proportion of the storage space is in the form of wardrobes. Furniture may be used to provide for additional storage space but should not form part of the main storage provision. I note that the detail in relation to the bedrooms is very sparse and it is clear that the wardrobe is utilised as meeting the storage provision. The storage provision, as presented by the applicant, only meets the minimum requirements, therefore the omission of the wardrobe space would result in substandard storage provision.

8.5.4. No details are provided in relation to dual aspect units; however, the layout of the apartment blocks is such that the majority of units are single aspect. Ground floor apartment units provide for a floor to ceiling height of 2.7 m, the other units are

indicated to be 2.45 m. This is acceptable and demonstrates compliance with SPPR 5 of the Apartment Guidelines.

- 8.5.5. The proposed apartment blocks are four storeys in height with a stair/ lift core providing access to the upper levels. A maximum of 6 units is served by this core in Block C and this is acceptable and is in accordance with SPPR 6.
- 8.5.6. Quality of Units – Amenity Space: The apartment units are provided with private amenity space in the form of terraced areas for the ground floor units and balconies for the upper floors. I note that all spaces are labelled as terraces and winter gardens are provided for some units in Blocks A and B. The amenity area provided is sufficient in terms of complying with the minimum required.
- 8.5.7. Access to the amenity spaces is generally from the Kitchen/ Dining/ Living area spaces though a number of the one-bedroom units provide the amenity space off the bedroom. I consider this is acceptable for one-bedroom units.
- 8.5.8. The amenity space for the proposed houses is considered to be acceptable in terms of the quantity of space and depth of garden proposed. The units demonstrate that sufficient/ excess amenity space is afforded as appropriate to the number of bedrooms per unit.
- 8.5.9. Public Open Space: The proposed development includes the provision of 6,740 sq m of public open space, which equates to 16.6% of the total site area. No specific areas of communal open space are provided for and the area of open space to serve the childcare facility seems to come from the overall open space provision. The two larger areas of open space are provided in two distinct parts of the site, and do not adjoin each other. The open spaces appear to be adequately overlooked thereby providing for good passive surveillance, however I am concerned that the positioning of trees/ hedgerows etc. on site may adversely impact on the available passive surveillance.
- 8.5.10. The Planning Authority raised a number of issues in relation to the proposed open space including a lack of detail on the layout/ facility/ tree/ landscaping provision, the submitted plans only indicate circulation around their perimeters, there is no linkages between the sites and concern about the location of SuDS features on these spaces. Refusal was issued by the Planning Authority due to these issues.

- 8.5.11. In general, I agree with the concerns of the Planning Authority. The 'Landscape Strategy' has been prepared by TBS and overall, it does not outline what is proposed for these open spaces with very generalised details provided. The submitted plans indicate that the open spaces will not provide for much active recreation other than in the form of exercise equipment. The 'Active Play' space is relatively small. The SuDS feature in the southernmost area of open space breaks the area of space into two sections, the larger of which is encroached by trees and hedgerow. The other space is divided by a path through the space and a significant area of trees/ hedgerow.
- 8.5.12. No specific details are provided on the MUGA. In the appeal document, the applicant makes clear that the MUGA will serve the greater Sallins area. The development of a MUGA by the applicant would be excessive and its provision should be subject to Section 34(4)(m) – the Planning Authority fund the development of this infrastructure or come to an agreement with the applicant. Whilst this is noted, I also note that the public notices specifically referred to a MUGA and to a member of the public, it would be assumed that this formed part of the development that the applicant was going to provide.
- 8.5.13. I therefore would have concern that the proposed open space is not of a suitable quality to serve the needs of the future residents of this development and may result in a substandard form of development. No detail is provided as to what happens to the MUGA space until such time as it is developed.
- 8.5.14. I note the concern expressed in the third-party letters of objection and the subsequent observations on the appeal, in relation to the importance of the open space along the Sallins Link Road for the local community. I am not aware of any legal agreement between the landowner and these areas of open space; therefore, the applicant is entitled to include any land within their ownership in an application for permission. An area of open space is indicated on the site plans to the south of Block C.
- 8.5.15. Daylight and Sunlight: The applicant has engaged the services of Digital Dimensions to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Assessment' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE – 3rd Edition, 2022 (BR209).
- BS EN 17307:2018 – Daylight in Buildings and Annex 2021 – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)

The submitted assessment undertook a number of tests to assess the impact of the development on daylight and sunlight and these are detailed in the following sections of this report.

8.5.16. Daylight to proposed apartment units: This is assessed using the illuminance method and the summary results are provided in Table 7 of the applicant's report. Units to meet or exceed 50% of the total lux at:

- Bedrooms 100 Lux
- Living Rooms 150 Lux
- Kitchens 200 Lux

All tested rooms in the proposed apartments and duplex units met the relevant required minimum targets and therefore demonstrate a good standard of residential amenity. Further assessment, as summarised in Table 8, is provided for target illuminance in accordance with IS/ BS EN 17037:2018 and again the results indicate a high standard of residential amenity for future occupants of these units.

8.5.17. Sunlight to Public Open Space/ Gardens within the development site: The BRE guidelines indicate that for an amenity space to receive good sunlight, 50% of the relevant area should receive at least two hours of sunlight on the 31st of March. Front gardens/ amenity spaces do not need to be assessed. The assessment of the area of public open space to the north of the site indicates a 99% compliance and the other two spaces (south west and south east) indicating a compliance rate of 100%. In terms of the private gardens/ amenity spaces, 94 out of the 106 gardens met the target, indicating a compliance rate of 88.7%.

8.5.18. Sunlight hours within the proposed apartments: This is detailed in Section 8. of the applicant's report and out of the 62 apartments, there is a compliance rate of 80.6%.

12 of the units did not receive the minimum of 1.5 hours, but half of the total received over 4 hours of sunlight.

8.5.19. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the relevant guidance. As with the majority of developments in established urban areas, there are restrictions in relation to the site size and shape, as well as ensuring that existing residential amenity is protected.

8.5.20. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located in Sallins, Co. Kildare, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the proposed units.

8.5.21. **Childcare Provision:** The applicant has provided details in the submitted 'Social Infrastructure Audit' on the childcare provision to serve this development. Reference is made to the 'Sustainable Urban Housing: Design Standards for New Apartments, 2020' which state that 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'. The Childcare Guidelines, 2001 have a requirement for a facility for 20 children for every 75 dwellings.

8.5.22. The proposal provides for 151 units of two or more bedrooms, and this will generate a requirement for a childcare facility with capacity for 40 children. The proposal includes a childcare facility in Block B with capacity for 37 children and the applicant considers that is broadly in line with the guidelines. As a dedicated facility is to be provided, the applicant has not assessed the availability of other existing childcare facilities in the locality of Sallins.

8.5.23. In the interest of clarity, I have summarised the requirements for childcare provision for this development.

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 bed	2022 Apartment Guidelines – without 1 bed and only 50% of 2 beds
Number of proposed Units	168	151	115
1 Facility with capacity for 20 children for every 75 units	45	40	31

8.5.24. The Planning Authority reported a number of issues of concern in relation to the proposed childcare facility. They recommended that such a facility be provided in a purpose built, ground floor standalone unit with potential for other uses outside of childcare hours, such as a community facility in accordance with Objectives SC O84 and SC O87 of the Kildare County Development Plan. An appropriate set-down/ collection area has not been identified to serve this facility and the unit should be able to provide for at least 40 children, noting that there is a deficit of childcare places in the Sallins area. Insufficient details have been provided in relation to the proposed open space/ boundary treatment to serve the childcare facility.

8.5.25. **Conclusion on Childcare Provision:** I note the proposed childcare provision and the concerns of the Planning Authority. The deficiencies in childcare provision are not included in the reasons for refusal of this development. I note the comments regarding a standalone unit, and in general I agree that such a unit would be desirable as it ensures that there is a greater level of protection of residential amenity than on those who would live over/ adjacent to the unit as proposed. I note that the ground floor contains a solid wall between the childcare facility and the ground floor apartments and that the areas that children would use would not adjoin the ground floor apartments directly.

8.5.26. In view of what the Planning Authority reference, I would be concerned about the lack of detail on the open space to serve the childcare facility and also that no specific set down area is proposed. The location of the facility appears designed to serve the adjoining area rather than the subject site itself. Access is from the Clane Road side,

and this location does not demonstrate that it forms part of the heart of the site, with easy access for all future residents. The issue of lack of detail will be commented on further in this report. I note the comments in relation to the deficiency in childcare places, however this is an issue of interpretation on how many units should be counted in the calculations and also in terms of the age profile of children to be accommodated. Whilst I note the comments of the Planning Authority, I am satisfied that the number of children that can be accommodated is acceptable.

8.5.27. **Conclusion on Residential Amenity:** Room sizes and private amenity spaces are of a good standard. The proposed units, and their associated amenity spaces will receive good daylight and sunlight. I am not satisfied that the proposed layout of the apartments in terms of storage space, and in terms of details on public open space provision are acceptable. Storage areas are below recommended quantitative standards.

8.5.28. Whilst it may be possible to revise elements of the development to ensure compliance with required standards, however the range of necessary alterations may be too broad to ensure that an acceptable outcome can be reached. The proposed childcare facility is not acceptable in terms of its location on site and in terms of how it is to be accessed.

8.6. **Impact on Existing Residential Amenity**

8.6.1. Adequate separation distances are provided between the proposed houses and adjacent units especially to the north west of the site. The layout ensures that separation distances in excess of 29 m are provided between the proposed houses and existing units to the north west, where there is potential for overlooking.

8.6.2. A number of documents have been included with this application that will ensure that the impact on residential amenity is reduced as much as is reasonable. These include the submission of an Outline Construction Management Plan, an Outline Construction and Demolition Waste Management Plan, and an Outline Operational Waste Management Plan. These are noted and final details can be agreed with the Planning Authority in the event that permission is granted for this development.

8.6.3. Daylight and Sunlight: The applicant has engaged the services of Digital Dimensions to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Assessment' has been submitted in support of the application. This

assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE – 3rd Edition, 2022 (BR209).
- BS EN 17307:2018 – Daylight in Buildings and Annex 2021 – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)

The submitted assessment undertook a number of tests to assess the impact of the development on daylight and sunlight and these are detailed in the following sections of this report.

8.6.4. Daylight to adjacent buildings: The subject lands are described as a greenfield/ brownfield site with existing residential units located to the north in Willow Grove/ Chamney Court, and to the east in the form of the Sallins Town Centre development. In accordance with the BRE guidelines, the loss of light need not be assessed if the distance between each part of the building from an existing window is three or more its height above the centre of the existing window. Figure 2 of the applicant's report indicates the relevant zone of influence and very few windows are impacted by the proposed development.

8.6.5. The BRE guidelines also state 'that if part of a new building measured in a vertical section perpendicular to the main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse light of the existing building may be adversely affected. If a window falls within a 45° angle both in plan and elevation with a new development in place, then the window may be affected and should be assessed'. Figure 3 provides relevant sectional drawings and a total of six locations were assessed, with the results finding that the impact from the proposed development would be negligible. The overall conclusion is that the development would not impact existing residential units and any potential impact would be negligible.

8.6.6. Sunlight to adjacent dwellings: The impact on sunlight to existing residential units is assessed through an assessment of the Annual Probable Sunlight Hours (APSH) for

living rooms windows that face within 90 degrees of due south. A noticeable impact is one in which the annual result is reduced by 25% or 5% during the winter months. If the target figure is either below this to start or reduced below this, then it should not be reduced by 0.8 times its former value. The assessment has found that the impact on sunlight to existing windows would be negligible.

- 8.6.7. Sunlight to neighbouring open space/ gardens: The BRE guidelines indicate that for an amenity space to receive good sunlight, 50% of the relevant area should receive at least two hours of sunlight on the 31st of March. Front gardens/ amenity spaces do not need to be assessed. The only area considered appropriate for assessment was part of the rear amenity space of the Sallins Town Centre development, the relevant section is located to the south of this block. 91.4% of the relevant area receives the required sunlight at present and post development, 90.8% would receive the recommended sunlight. This is acceptable.
- 8.6.8. Shadow analysis: An assessment was undertaken for March, June, September, and December at appropriate times of the day. No particular issues of concern are raised, as the development has regard to potential impact on existing properties.
- 8.6.9. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight and sunlight provision to existing properties, as outlined in the relevant guidance. As with the majority of developments in established urban areas, there are restrictions in relation to the site size and shape, as well as ensuring that existing residential amenity is protected.
- 8.6.10. I am satisfied that the design and layout of the scheme has fully considered the impact of the development on the receipt of daylight and sunlight to existing adjoining properties. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site located in Sallins, Co. Kildare, in accordance with national policy guidance, are in my opinion acceptable and ensure that the impact on existing residential properties is negligible.
- 8.6.11. **Planning Authority comment on residential amenity:** No particular issues of concern were raised in the Planning Authority report about the impact on adjoining residential amenity. A concern was raised though, that ground floor units in the

proposed apartments, especially facing the Clane Road, may suffer from adverse impacts due to their location adjoining the street and that over time they may be forced to introduce measures, in addition to the use of internal blinds etc, to address a loss of privacy. I agree with this concern and again this indicates that the proposed design of apartment block is not suitable in this location, especially where the address a potentially busy main street.

8.6.12. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The site is zoned for residential development, is located in an established urban area and with access to existing services, including public transport. I have no reason, therefore, to recommend to the Board that permission be refused due to impact on the residential amenity of the existing area. In the interest of clarity, I do have an issue with impact on the character of the area and impact on the residential amenity of those who may live within the development.

8.7. Traffic and Access

8.7.1. The Planning Authority recommended refusal due to the lack of a detailed Traffic and Transportation Assessment, with particular reference as to how the development may impact on traffic on the local road network, which would be contrary to Objective TMO99 of the Kildare County Development Plan 2023 - 2029. Also, no road safety audit was provided and due to the lack of a properly designed footpath/ cycle path along the Clane Road. The County Kildare Roads, Transportation and Public Safety Department (RTPS) provided a detailed report on the above and also noted that the development was not compliant with aspects of the Sallins Local Area Plan 2016 – 2022.

8.7.2. In support of the appeal, the applicant submitted a copy of a Stage 1 Road Safety Audit prepared by Bruton Consulting Engineers Ltd and which was dated June 2022. In the appeal, specific comments are made about the reason for refusal that relates to traffic etc. It is expected that the combined peak hour trips are less than 100 and the development is for less than 200 units. The applicant refers to the TII Traffic and Transport Assessment Guidelines, 2014 and the section on thresholds indicates that no further assessment was necessary. The development is likely to generate less than 10% of the current peak hour traffic on the R407/ Clane Road. The internal road

network compiles with DMURS and the development is located within an urban area with a road speed of 50 kph and which has benefited from the Sallins By-Pass to the west of the town. The applicant/ appellant noted errors in the Kildare County Council RTPS report.

- 8.7.3. The applicant/ appellant is correct that the site benefits from the by-passing of Sallins and it was noted on the day of the site visit that vehicular traffic levels in the town centre were low. I note the submitted Stage 1 Road Safety Audit and it is clear that amendments have been made to the layout in response to the issues identified with the layout.
- 8.7.4. As with other aspects of this development, the applicant has failed to provide sufficient information to demonstrate the acceptability of the development in terms of promotion of sustainable forms of transport. The applicant expects that traffic levels generated at peak times will be low, less than 10% of the current peak traffic volumes. Section 3.7 of the Engineering Report provides details on expected traffic levels, but I note that this relies on 2016 Census data and no need to provide further details due to the expected number of trips/ residential units proposed. There is no indication that the relatively high number of car parking spaces at two per house unit (high in that 28 of the houses are only two beds) would not encourage a greater use of cars.
- 8.7.5. Sallins benefits from good rail links to and from Dublin City and towards the west/ south through onward connections, but public transport links south and north are not of a high quality, with limited frequency available at present. There is no indication that the availability of public transport was considered by the applicant, the layout of the development would indicate otherwise with poor links through the site in a south east direction that would enable good pedestrian links towards the railway station.
- 8.7.6. I consider that the submitted site layout is designed for car use rather than for pedestrian and cyclists. The site contains a number of long stretches of street and includes the need for traffic calming ramps, when the layout design should not have required these. As already referenced, links towards the south east of the site are poor and the layout will encourage the use of the car for relatively short trips.
- 8.7.7. The Planning Authority referenced the lack of a suitable pedestrian/ cycle route along the Clane Road in their reason for refusal. The layout of the site is such that there is a buffer area between the edge of the development on the adjoining public roads to

the south and most of the east. I am not aware of who owns this buffer area, but reference is made in the submissions that adjoining lands may be in the ownership of the applicant. Provision could have been made in the design for improved cycle and pedestrian infrastructure to the front of Blocks A and B. As with the overall design, permeability and links for pedestrians are poor and no specific provision is made for cyclists.

8.8. Car Parking:

- 8.8.1. The County Kildare Roads, Transportation and Public Safety Department reported that there is a shortfall in car parking provision for the apartments, 70 spaces are proposed to serve the 62 apartments, a shortfall of between 8 and 15 spaces. No concern was raised about the car parking for the houses and a shortfall of three spaces is indicated for the childcare unit. The car parking provision for the apartment units is not in proportion with 47 spaces for the 33 units in Blocks A and B and 23 spaces for Block C and its 29 apartments. The National Transport Authority have reported that there is an excessive provision of car parking with specific reference to the proposed houses. Two spaces per house are proposed.
- 8.8.2. The issue again relates to the lack of information/ justification for the car parking provision. It is hard to justify the provision of two car parking spaces for two-bedroom houses and I agree with the report of the National Transport Authority on this aspect of the development. As with the layout of the site, the over provision of car parking for the houses will result in a greater use of cars, which in turn will adversely affect the local road network through increased traffic congestion. The applicant has not provided any evidence contrary to this.
- 8.8.3. As with the proposed layout, the poor provision for cyclists and pedestrians, the proposed car parking demonstrates that the development is overly focused on car use and does not encourage the use of more sustainable forms of transport. The lack of supporting documentation from the applicant does not provide a clear justification for this. The proposed development would be overly reliant on car use at the expense of sustainable forms of transport.

8.9. Infrastructure and Flood Risk

- 8.9.1. The Kildare County Council Water Services section reported no objection to the proposed development, subject to conditions. Final details in relation to SuDS measures to be agreed with the Local Authority.
- 8.9.2. Uisce Éireann reported that the proposed development can be serviced by public foul drainage and water supply without the need for upgrades to the public system. No issues in relation to capacity were raised by Uisce Éireann.
- 8.9.3. A 'Site-Specific Flood Risk Assessment' – prepared by Muir Associates has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009' and 'C624 Development and Flood Risk (Construction Industry Research and Information Association, CIRIA)' in addition to the 'Strategic Flood Risk Assessment of the Kildare County Development Plan 2023-2029'. Other information considered in the assessment included OPW data and GSI information.
- 8.9.4. The submitted report has regard to the following forms of potential flooding:
- Tidal: No risk foreseen due to elevation of the site and distance from the coast.
 - Fluvial: The following is noted: 'The lowest dwelling finished ground floor level for the proposed development is 74.55mAOD. The proposed road level at the entrance to the underground car park is 78.0mAOD.' The River Liffey is to the west of the subject site and the predicted flood event for the 0.1% AEP event is 70.31m AOD. Flood assessment information provided for the area, indicates that the chance of fluvial flooding is remote. The applicant reports, 'it is concluded that there is no unacceptable risk of flooding and that there is no unacceptable residual flood risk to the proposed development, its occupants, adjoining land users or property.'
 - Pluvial: There is no record of pluvial flooding on site or in the immediate area. Suitable measures are proposed to address surface water drainage. No unacceptable risk of flooding on site or onto adjoining sites is foreseen as a result of the proposed development.
 - Groundwater, Human or Mechanical and Construction: There is no record of flooding from groundwater sources on site or on adjoining lands. No human or mechanical sources of flooding have been identified in the area or on site. The

potential of groundwater flooding and the risk of flooding due to human or mechanical factors is considered to be sufficiently low to be acceptable.

8.9.5. The applicant concludes 'that the proposed development is appropriate in terms of meeting the flood risk and stormwater impact policies and objectives of the Kildare County Development Plan 2023-2029 and that the proposed development is:

- Considered to have the required level of flood protection;
- Does not increase the flood risk to other third parties or lands;
- Meets the various requirements of the OPW Guidelines in relation to flood risk.

Thus, it is reasonable therefore to conclude, given the vulnerable categorisation of the proposed development, that the flood risk and stormwater impact is acceptable such that there is no inappropriate risk of flooding arising from or an inappropriate residual flood risk to the proposed development' from the considered potential sources of flooding.

8.9.6. From the submitted information and the available information, I am satisfied that the risk of flooding on site is low and that that the proposed development will not adversely affect adjoining lands. The subject lands can be considered to be in Flood Zone C. I note also that Kildare County Council Water Services did not raise any issues of concern in relation to flooding and the proposed surface water drainage system to serve this site.

8.9.7. **Conclusion on Infrastructure and Flood Risk:** Irish Water have reported that the site can be served by a public water supply and the public foul drainage network. The submitted flood risk assessment does not raise any issues of concern. I am satisfied that the development can proceed without giving rise to flooding issues in the area, including potential impact on adjoining sites.

8.10. Other Matters

8.10.1. **Archaeology:** I note the report of the Kildare County Council Heritage Officer and the concerns regarding the impact of the development on potential archaeology. The concern about the impact of the development on archaeology appears to be based on the site area rather than any specific issue. I have consulted the website of the Department of Housing, Local Government and Heritage - archaeology.ie Historic Environment Viewer, and nothing of significance has been identified in this area.

- 8.10.2. The applicant through the appeal, has referred to a previous application on site that included an EIS and nothing of significance was expected here. The subject lands were in industrial use and there was much ground disturbance here. The development of the link road to the south of the site does not appear to have discovered any remains of significance. In the event that permission was to be granted for this development, a suitable condition could be included that an archaeologist be employed during the appropriate part of the construction phase of development.
- 8.10.3. **Ecological Impact Assessment:** The applicant engaged Panther Ecology Limited to prepare an Ecological Impact Assessment, and this was included in support of the application. Details of relevant legislation is provided in Section 2.0 and Methodology under Section 3.0. Desktop Information is detailed under Section 3.1 and includes details on studies and data that informs the ecological assessment. A site survey was undertaken on the 29th of March 2021 as detailed under Section 3.2. Fauna and badger surveys were undertaken in addition to bat and bird surveys.
- 8.10.4. The site and the development are described under Section 4.0. The existing environment is detailed under Section 4.2. The site survey identified eleven habitats. Table 4.2 of the applicant's report provides the 'Ecological Value of Identified Habitats at the Proposed Development'. The habitat rating of these is of Local Importance with either a lower or higher value. The only key ecological receptors are the hedgerows and the treelines. Section 4.3 identifies notable habitats outside of the proposed development site and includes the River Liffey, 609 m to the west of the site and the Grand Canal, which is approximately 190 m to the south. Details of Hydrologic Connectivity are provided in Section 4.4.
- 8.10.5. Protected Species are considered under Section 5 of the applicant's report and bird species noted on site included none on the Red List and only the Skylark and Starling are Amber listed. None of the recorded bird species are listed under Annex 1 of the EU birds directive. No evidence of a badger sett was found on site and adjoining urban development would significantly disturb badgers. The site was found to not be suitable for potential bat roosting, and similarly the pond on site would not be suitable as a wetland habitat. Evidence of rabbit and fox was found on site. It is expected that hares, pygmy shrew, pine marten, hedgehog, stoat and wood mouse could be found here, though they were not observed during the site survey. Table 5.6 provides an 'Ecological Value of Species of the Proposed Development' and again these are of

local importance with a mix of low to high value. Section 6. provides details of protected sites up to 15 km from the subject site. These include SACs, SPAs, and NHAs/ pNHAs.

- 8.10.6. Section 7.0 provides the Ecological Impact Assessment. The development will see the permanent loss of existing habitats, which are of low ecological value. It is reported that the boundary hedgerow and the treeline would not require removal. Appropriate measures to be employed to ensure that the impact on flora and fauna is not significant. Control and monitoring measures are outlined by the applicant in their report. Particular measures will be employed during the use of artificial lighting on site and to ensure that invasive species are not introduced to the subject lands. Cumulative impacts are considered under Section 8.0 of the applicant's report and no issues of concern are identified.
- 8.10.7. Comment on EclA report: The submitted report and details are noted and from the site visit it was evident that the site had undergone significant disturbance over time, and is not rich in biodiversity. This site is located within an established urban area, and the development of the Sallins Link Road to the south of the site, the Sallins Town Centre development to the east and the large areas of hardstanding on site, would not make it an attractive habitat for flora and fauna.
- 8.10.8. I therefore consider that the EclA demonstrates that the proposed development would not have a significant impact on flora and fauna. The appropriate landscaping of this site may have benefits for biodiversity into the future.
- 8.10.9. **Social Infrastructure Audit:** In addition to childcare provision, the audit includes an assessment on the availability of educational, healthcare, community/ recreation & open space, retail and transport provision in the area. Detailed information is not provided with mostly general comments on availability of services, though maps indicating the distance between the site and referenced facilities are provided. The audit concludes 'that there is adequate community and recreational facilities in both the immediate and surrounding area to serve existing and future population growth. There is also adequate educational capacity'.
- 8.10.10. I cannot agree that the audit identifies that there is sufficient capacity to support the proposed development, a number of the assessments appear to be based on

assumptions and generalised statements. I therefore question the adequacy of this audit.

8.10.11. **Need for a Masterplan:** It was raised in the letters of objection and subsequent observations that there is a requirement for a masterplan to demonstrate how the development will integrate with future development of adjoining lands and the existing central area of Sallins. The Planning Authority also requested that a Masterplan be prepared for these lands.

8.10.12. Drawing no. PL007 indicates provides a 'Site Connectivity Plan' with links to adjoining lands possible to the north west of the site for pedestrians and vehicles. Considering that most of the site is in the form of housing and which adjoin lands that are suitable for future development, I am satisfied that the site can be developed without impacting negatively on the lands to the west and north west, which are currently undeveloped. Whilst a masterplan would be useful, the absence of one does not prevent the development/ proposed development of this site.

8.10.13. **Lack of information/ details:** The Planning Authority refer to what appear to be extensive engagement with the applicant, and it is clear that revisions to the development were recommended throughout this process, with do not appear to have been fully acted upon. A lack of detail/ information from the applicant was raised by the Planning Authority and also in the submissions to the appeal.

8.10.14. As I have referred to throughout this report, there are gaps in the available information and the submitted appeal has not addressed these issues in an adequate manner. Whilst it may be possible to revise elements of the development by condition, I would not be satisfied that the public would have certainty as to what was proposed and similarly it would not be clear if the comprehensive development of this site would take place.

9.0 Appropriate Assessment (AA)

9.1 Stage 1 – Appropriate Assessment Screening

9.1.1 The applicant has engaged the services of Panther Ecology Ltd, to carry out an appropriate assessment screening; the report is dated 9th March 2023. I have had regard to the contents of same.

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

9.1.3 The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment

9.1.4 I have considered the proposed Large-scale Residential Development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

9.1.5 The proposed development comprises the development of 106 houses and 62 apartments and a creche in addition to all necessary site/ associated works. The site is located to the north of Sallins Link Road and to the west of the Clane Road to the north of the centre of Sallins.

9.1.6 Kildare County Council considered the submitted Appropriate Assessment Screening and in their determination they ‘concluded that the proposed development following an examination, analysis, and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development that the proposed development will not adversely affect (directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.’

9.1.7 **Name and location of European Sites identified for the screening test:**

- The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).
- A total of six European Sites have been identified as located within the potential zone of influence and these are as follows:

Site Name (site code)	Designation	Distance/ direction from the site	Hydrological/ Ecological Connection
Mouds Bog (002331)	SAC	8.9 km to the South West	No

Ballynafagh Lake (001387)	SAC	8.1 km to the North West	Potential Hydrological link
Ballynafagh Bog (000391)	SAC	8 km to the North West	No
Red Bog Kildare (000397)	SAC	10.6 km to the South East	No
Poulaphouca Reservoir (004063)	SPA	13 km to the South East	Yes
Pollardstown Fen (000396)	SAC	13 km to the South West	Yes

9.1.8 Three of the designated sites have no hydrological or ecological connection to the subject site and can be excluded from further consideration at this stage. Poulaphouca Reservoir has a hydrological connection, but as it is upstream on the River Liffey, it can be screened out at this stage. Pollardstown Fen has a hydrological connection via the Grand Canal, however this connection is approximately 23 km in distance and this site can be screened out as any potential deterioration in water quality during the construction or operational phases would not be significant. Out of the six identified sites, only Ballynafagh Lake needs further consideration through its hydrological connection via the Grand Canal.

9.1.9 Ballynafagh Lake SAC (001387) details:

Conservation Objectives:	Qualifying Interests	Distance	Connection
Alkaline Fens: To restore the favourable conservation condition of Alkaline fens in Ballynafagh Lake SAC. Desmoulin's Whorl Snail: To maintain the favourable conservation condition of Desmoulin's Whorl Snail	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]	8.1 km to the North West	Hydrological via the Grand Canal

<p>(Vertigo Moulinsiana) in Ballynafagh Lake SAC.</p> <p>Marsh Fritillary: To maintain the favourable conservation condition of Marsh Fritillary (Euphydryas aurinia) in Ballynafagh Lake SAC</p> <p>A full list of attributes and targets are provided in the NPWS Conservation Objectives and through SI no. 493/2018. The applicant has included them in their screening report.</p>	<p>The Conservation status of these QIs is listed as Bad.</p>		
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9.1.10 Assessment of Likely Significant Effects:

The submitted AA Screening considers the potential impacts on European Sites from the proposed development. The subject site does not directly adjoin the SAC and it is not expected that there would be any in-situ effects through loss of habitat, fragmentation, disturbance or direct reduction of species density. Panther Ecology undertook a site assessment and found that the subject lands were not suitable as a food source nor as a habitat for some of the qualifying interests. It is reported that the development of the site is likely to give rise to increased noise levels, but which will not affect the SAC and the levels of dust generated during the construction phase is not considered to be significant as to impact on the QIs. In conclusion the applicant's screening report found that the proposed development would not result in any significant risk to the protected habitats/ species of the Ballynafagh SAC.

9.1.11 The applicant's AA Screening report also included a section on Invasive Species. The site assessment found no invasive species of concern and appropriate measures will

be undertaken at the construction phase to ensure that none are introduced to the subject site.

9.1.12 In terms of impact on water quality, the site is located within the River Liffey and Dublin Bay Catchment and does not link with any of the SAC's within the River Barrow Catchment. Ballynafagh Lake is connected hydrologically to Sallins by way of the Grand Canal, however there are no watercourses that connect the site to the canal. No impact on the canal is foreseen from this development. Standard construction phase measures will ensure that there is no impact on watercourses and the proposed development will be connected to the public foul drainage system during the operational stage of the development. Potential flooding will be addressed by the proposed surface water drainage system which forms part of the development of this site. In-combination effects are considered under Section 6.4 of the applicant's AA Screening report.

9.1.13 **AA Screening Conclusion:** The AA Screening has concluded that there was no possibility of any significant effects on the identified European Site at Ballynafagh Lake SAC. This was assessed in terms of impact from water quality, the introduction of invasive species, habitat destruction and impacts from dust and noise, and is based on best scientific knowledge. There is no requirement to prepare a Stage 2 – Appropriate Assessment.

9.2 Screening Assessment

9.2.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the subject site.

9.2.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. There are no watercourses on site and the only connection between the site and the identified

European sites would be an indirect linkage by way of the public wastewater system. Considering the distance from the site to the nearest European site and the use of the existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

9.2.3 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

9.2.4 During the operational phase of the development, surface water drainage will be in accordance with the policies/ guidelines of the Greater Dublin Strategic Drainage Study (GDSDS) and also in accordance with the requirements of Kildare County Council. A separate foul and surface water drainage system will be put in place and the surface water drainage design will have full regard to SUDs. Foul drainage will be through the existing public foul drainage system.

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

9.2.8 **Consideration of Impacts on Ballynafagh Lake SAC:**

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.

- There are no surface water features within the site, other than a lake which is a manmade, concrete constructed unit and does not result in water flowing from the site. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system.
- During the operational phase of development, foul water will drain to the public system. The discharge from the proposed development would drain, via the public network, through the Upper Liffey Valley Sewerage Scheme for treatment at Osberstown and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at the Osberstown Wastewater Treatment Plant, and thus its impact on the overall discharge would be negligible.

9.3. In-Combination or Cumulative Effects

9.3.1 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Osberstown Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

9.3.2 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Osberstown WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

9.4 AA Screening Conclusion:

9.4.1 It is reasonable to conclude that on the basis of the information provided on file, which I consider adequate in order to issue a screening determination, that the proposed

development, individually or in combination with other plans or projects would not be likely to have a significant effect on Ballynafagh Lake SAC, or any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

- 9.4.2 In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

10.0 Recommendation

Having regard to the above assessment, I recommend that permission is REFUSED for the Large-Scale Residential Development (LRD) as proposed for the reasons and considerations set out below.

11.0 Reasons and Considerations

The proposed development would seriously injure the character and visual amenities of the area, would be unacceptable in terms of urban design, would result in a car orientated development at the expense of pedestrian safety and convenience, and would provide for poor residential amenity through poor quality open space. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Recommended Draft Order

12.1 Application:

For permission under the Planning and Development Act 2000 as amended, in accordance with plans and particulars, lodged with Kildare County Council on the 16th of March 2023 and appealed to An Bord Pleanála on the 2nd of June 2023.

Proposed Development:

- The provision of 168 residential units in the form of 106 houses and 62 apartment/ duplex units and a childcare unit. Also includes car parking, open space, road network with junctions with the public road network and all associated site works.
- It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2022 and a Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage, and residential amenity areas.
- An Appropriate Assessment Screening Report has been included with the application.

Appeal:

A First-Party appeal by William Neville and Sons against the decision to refuse permission as issued by Kildare County Council.

12.2 Decision:

Refuse permission for the above proposed development in accordance with the said plans and particulars based for the reasons set out below.

12.3 Matters Considered:

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

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

- (i) the provisions and policies of the Kildare County Development Plan 2023 - 2029,
- (ii) The zoning objective K1 – Mixed Use Development which seeks - ‘To protect and improve existing commercial and residential uses and provide for additional compatible uses’ and C5 - New Residential which seeks - ‘To provide for new residential development’ in accordance with the Sallins Local Area Plan 2016 – 2022.
- (iii) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2022,

(vi) the Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).

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

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

(ix) Submission and Observations received, and

(x) the Inspectors Report

It is considered that, subject to the reasons set out below, the proposed development would seriously injure the character and visual amenities of the area, would be unacceptable in terms of urban design, would result in a car orientated development at the expense of pedestrian safety and convenience, and would provide for poor residential amenity through poor quality open space. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

12.4 Appropriate Assessment (AA):

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

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

12.5 Environmental Impact Assessment (EIA):

The Board completed a preliminary environmental impact assessment screening of the proposed development it is considered that the proposed development would not

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

12.6 Conclusions on Proper Planning and Sustainable Development:

The Board considered that, the proposed development would seriously injure the character and visual amenities of the area, would be unacceptable in terms of urban design, would result in a car orientated development at the expense of pedestrian safety and convenience, and would provide for poor residential amenity through poor quality open space. The proposed development would, not therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Reasons:

1. Having regard to the prominent location of the site, to the established built form and character of the eastern side of the Clane Road, Sallins and to the existing Home Farm House, which is listed on the Kildare Record of Protected Structures, and is located to the south of the site and which is considered to be of importance to the streetscape, it is considered that the proposed apartment Blocks A, B and C, would be incongruous in terms of their design, which would be out of character with the streetscape, fail to integrate with the existing units on this street and would set an undesirable precedent for future development in this area. The proposed development would seriously injure the visual amenities of the area, would be contrary to the stated policy of the planning authority, as set out in the current Development Plan, in relation to urban development and urban renewal and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development does not facilitate easy pedestrian/ cycle access towards the south east of the site in the direction of the town centre and the railway station, fails to provide good quality pedestrian/ cycle infrastructure along the eastern boundary/ Clane Road side of the site and provides for an excessive amount of car parking, predominantly in the form of two spaces for the two-bedroom houses. The proposed development therefore promotes the use of the car over sustainable forms

of transport and through the poor quality of layout, it is considered that the additional traffic associated with the proposed development would endanger public safety by reason of traffic hazard and would lead to conflict between road users, that is, vehicular traffic, pedestrians, and cyclists.

3. The layout and nature of the public open space areas, which includes SuDS features, do not demonstrate the provision of amenity space that would be suitably useable for the future residents of this development. Play areas including kick-about spaces would be limited. In addition, the proposed development may not include the development of a Multi-Use Games Area (MUGA) despite it forming part of the development description. The proposed scheme which predominately consists of a housing orientated development would seriously injure the amenities and depreciate the value of property in vicinity through the lack of useable public amenity spaces.

Paul O'Brien

Inspectorate

27th July 2023

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.

Paul O'Brien
Inspectorate
27th July 2023

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	317266-23	
Proposed Development Summary	Construction of a residential development of 168 units in the form of 106 houses and 62 apartments and a creche in addition to all necessary site/ associated works. The site is located to the north of the Sallins Link Road and to the west of the Clane Road to the north of the centre of Sallins.	
Development Address	Clane Road & Sallins Link Road, Sallins, Co. Kildare	
<p>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.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</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>The development proposes the provision of a mix of houses, and apartment blocks which are to be located on the Clane Road and the Sallins Link Road. The surrounding/ adjoining area consists of a mix of houses and mixed-use units on the Clane Road.</p> <p>No.</p>	No

<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>No, density is in accordance with the Kildare County Development Plan</p> <p>None expected.</p>	No.
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No, not in an ecologically sensitive site.</p>	No
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____