



An
Bord
Pleanála

Inspector's Report ABP-317695-23

Development	Construction of 39 residential units.
Location	Capdoo, Clane, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23207
Applicant(s)	Westar Investments Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Clane Community Council
Observer(s)	None
Date of Site Inspection	24 September 2024
Inspector	Natalie de Róiste

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1.0 Site Location and Description

- 1.1. The site is a greenfield site located to the east of the town of Clane, in the townland of Capdoo. It is a rectangular site, measuring c. 1.7 hectares, with mature hedgerows to the boundaries. Formerly in agricultural use, quantities of fill and builders' rubble have been deposited on the site from nearby construction.
- 1.2. There is a surface water sewer running along the south and east boundary, with an attenuation tank in the south-east corner, permitted under reg. ref. 21/1400. This serves the recently completed neighbouring apartment development to the west, and is intended to also serve the subject development.
- 1.3. The site is bordered to the west by a recently completed residential development (an apartment block and duplex units known as Hamilton Park); and bordered by fields to the north, south, and east. The field to the south is in use as a compound for residential construction to the south and east, and is also the subject of a planning appeal (reg. ref. 23/728, ABP-319096-24).
- 1.4. The site is located c. 150-200 metres from the River Liffey to the southeast, and (via the Hamilton Park apartment complex, Brooklands housing estate, and the Dublin Road) c. 1 kilometre by road from Main Street, Clane, and c. 2 kilometres by road to the schools in Clane.

2.0 Proposed Development

- 2.1. The proposed development consists of 39 residential units, comprising 31 houses and 8 maisonettes. There are 26 3-beds (all houses), 9 two-bed units (5 houses and 4 maisonettes), and 4 1-bed units (all maisonettes). The development includes all roads, services, car and cycle parking, and hard and soft landscaping including a green area to the south, as well as upgrades to the Dublin Road at the junction of the Brooklands Estate.
- 2.2. The proposed access is from the existing road constructed as part of reg. ref. 21/1400.

2.3. The following table sets out some key elements of the proposed development:

Site Statistics and Development Details	
Gross Site Area	1.7 hectares
Plot Ratio	0.3
Density	23 units per hectare
Public Open Space	3,466 sqm, c. 20% of site area
Car parking	78 car parking spaces (2 per house, 1.5 per maisonette, and 4 visitor parking spaces)
Cycle Parking	12 (1 per maisonette and 4 visitor cycle parking spaces)

Housing Mix		
Unit type	No. of units	% of total
1 bed maisonette	4	10%
2 bed maisonette	4	10%
2 bed house	5	13%
3 bed house	26	67%
Total	39	100%

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions by order dated 3 July 2023.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Two planning reports; that dated 24 April 2023 requesting further information, and that dated 27 June 2023 recommending a grant of permission.

- Report dated 24 April 2023 – planning history and policy noted, submissions and internal reports noted. Principle of development considered acceptable, while the LAP has been superseded by Development Plan on the issue of density, the density (23 uph) is considered acceptable in the wider context. No other grants of permission for residential development have been issued since the adoption of the Development Plan and Core Strategy. Design, layout, and landscaping largely acceptable. Further information requested on foul sewerage, SuDS, electrical vehicle charge points and details of kerbs.
- Report dated 27 June 2023 – further information received and considered satisfactory, grant recommended.

3.2.2. Other Technical Reports

- Water Services – further information requested.
- Municipal District Engineer – no objection subject to conditions.
- Transportation Department – further information requested on EV charging and kerbs.
- Environment Department – no objection subject to conditions on wastewater disposal, noise, and construction management.
- Housing Department – no objection subject to condition on Part V provision.
- Chief Fire Officer – no objection subject to conditions on fire safety.
- Heritage Officer – no objection subject to condition regarding hedgerow retention.
- Parks Department – no objection subject to conditions on trees, hedgerows, landscape design, and play equipment.

3.2.3. Conditions

- Twenty-nine conditions were attached. A number of these required submission of details, but no significant amendments to the proposal as submitted at further information stage.

3.3. Prescribed Bodies

- Irish Water – further information requested on foul sewer calculations.
- Development Applications Unit – no further archaeological monitoring or input required.
- Environmental Health Officer – no objection subject to conditions on noise, air, waste, lighting, construction, and flood risk assessment.
- Irish Aviation Authority – no observations to make.

3.4. Third Party Observations

One third party observation was received, from Clane Community Council (the appellant). The issues raised were the same as those raised in the appeal.

4.0 Planning History

4.1. Planning History on the subject site

- ABP 308943-20

SHD Permission granted on 13 April 2021 for 333 residential units on a wider 10-hectare site which included the subject site, the sites referred to as Phase 1B, Phase 2, and Phase 3 below, as well as the area to the east of the site. The application was accompanied by an EIAR. Overturned by Judicial review and remitted to the Board, new number ABP-320511-24 for new assessment. Not yet decided at time of writing.

- ABP-309367-21 (KCC Ref 20/808)

Permission granted by the Board on 21 October 2021 for 91 residential units (58 houses, 33 apartments) following third party appeal. Overturned by Judicial review and remitted to the Board for new assessment, new number ABP-319138-24. Not yet decided at time of writing. Site comprises subject site (referred to as Phase 1A) and site immediately to south (referred to as Phase 1B) together.

4.2. Other recent applications by the applicant on the subject landholding

Site referred to as Phase 2

- KCC Ref 21/1400

Final grant of permission for 34 apartments on 15 March 2022. Site immediately to the west of subject site. Currently under construction. Site referred to as Phase 2.

Site referred to as Phase 3

- ABP-314802-22 (KCC Ref 22/889)

Decision by Local Authority to refuse permission for 59 residential units (55 houses and 4 maisonettes) for one reason, material contravention of the core strategy, on a site to the south-east of the subject site. Permission granted by the Board on 25 March 2024 following a first party appeal, following the adoption of the 2023 County Development Plan. Currently under construction. Site referred to as Phase 3.

- KCC Ref 24/60755

Decision (24 September 2024) by Local Authority to grant permission for change of house type and amendments to road layout to permitted development KCC Ref 22/889 (ABP-314802-22).

35-hectare site to north end of landholding

- KCC Ref 23/60433

Decision (27 November 2024) to grant permission on a 35-hectare site to the north of the subject site, for a 16-hectare town park with constructed wetlands, with relocation of spoil material to flood zone to south. Further information requested on 16 points, including delivery timeframe, ownership and maintenance issues, ecological issues, water quality issues, flooding issues, transport issues, impacts on trees, landscaping issues, and provision of support buildings for park. Response satisfactory subject to 32 conditions, including conditions on transport, drainage, and ecology.

Site referred to as Phase 1B

- ABP-319096-24 (KCC Ref 23/728)

Decision to grant permission by Local Authority for 51 residential units (35 houses, 16 apartments) and creche on site immediately to the south of the appeal site, on 22 January 2024. Live application, currently the subject of a first party appeal against conditions, and a third-party appeal against the grant.

4.3. Other recent and relevant residential applications in Clane

Site at Sallins Road

- KCC ref 24/60485

Decision to grant permission by Local Authority on 17 September 2024 for construction of 20 dwellings (16 houses and 4 maisonettes) facilitated by demolition of existing house on a 0.5-hectare brownfield site.

Site known as KDA2 Capdoo

- 24/116

Extension of duration of permission of partly completed SHD development (ABP-304632-19) for 5 years, until 4 January 2030. Extension granted 28 May 2024. At time of application, of 366 permitted units, 99 were completed and occupied, and 169 under construction.

Site at Capdoo on L5078, adjacent to under-construction SHD development

- KCC ref 24/140

Final grant of permission 30 July 2024 by Local Authority for construction of 14 houses facilitated by demolition of existing house on a 0.5-hectare brownfield site. Amendments to adjoining SHD development (ABP-304632-19) to tie in road and services.

Site at Millicent Road (known as KDA 5)

- ABP-391496-24 (KCC ref 23/972)

Eight-year LRD Permission granted for 190 residential units and creche, first party appeal against conditions withdrawn. Final grant date 29 May 2024.

- KCC ref 24/245

LRD Permission granted for amendment to above development, to amend conditions regarding phasing of the permitted Link Street.

5.0 Policy Context

5.1. National Planning Context

Project Ireland 2040 - National Planning Framework

5.1.1. A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate towns and villages of all types and scale as environmental assets.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location.

5.1.2. Counties Kildare, Meath, and Wicklow form the Mid-East subregion of the Eastern and Midlands Region, and the NPF states:

“The Mid-East has experienced high levels of population growth in recent decades, at more than twice the national growth rate. Managing the challenges of future growth is critical to this regional area. A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable

transport modes and quality of life, rather than unsustainable commuting patterns.”

- 5.1.3. A draft schedule of amendments to the first revision to the National Planning Framework was published on 5 November 2024. This increased population targets nationally to account for population growth to date, while maintaining the ‘regional parity’ approach. It notes *‘the scale of growth that is projected in Ireland to 2040 coupled with the need to transition to a lower carbon society requires an increased delivery of housing and the improved integration of land-use and transport.’*

Climate Action Plan 2024

- 5.1.4. This is the third annual update to Ireland’s Climate Action Plan, and replaces the Climate Action Plan 2023. Its objective is to pursue and achieve the transition to a climate-resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050.

National Biodiversity Action Plan 2023-30

- 5.1.5. This plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.

- 5.1.6. The following Section 28 Ministerial Guidelines are of relevance to the application:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023);
- Development Plans: Guidelines for Planning Authorities (2022)
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);
- Housing Supply Target Methodology for Development Planning: Guidelines for Planning Authorities (2020)
- DMURS (2019);
- Delivering Homes, Sustaining Communities (2007) and the accompanying Best Practice Guidelines - Quality Housing for Sustainable Communities.

5.2. Regional Planning Context

- 5.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 5.2.2. The following regional policy objectives (RPOs) of the RSES are considered relevant to this appeal:
- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.
- 5.2.3. Table 4.2 of the Strategy sets out the Settlement Strategy, with Naas and Maynooth as Key towns in Co. Kildare, the latter in the Metropolitan Area of Dublin city. Self-sustaining Growth Towns, Self-Sustaining Towns, Towns and Villages, and Rural areas are to be defined by Development Plans. The Table describes Self-Sustaining Towns as follows: *Self-Sustaining Towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.*
- 5.2.4. Section 4.7 of the RSES describes self-sustaining towns as *"towns that require contained growth, focusing on driving investment in services, employment growth and infrastructure whilst balancing housing delivery."* It notes the rapid commuter-focused residential expansion of certain towns, without an equivalent increase in jobs, and sets out that population growth shall be at a rate that seeks to balance that. The core strategies of Development Plans should include policies in relation to improvements in services and employment.
- 5.2.5. Clane is listed as one of 9 towns in the region which have had the highest population growth rates in the country over the last decade.

"Towns recording the highest growth rates in the country over the last ten years (>32%), and which have lower levels of employment provision include; Ashbourne, Balbriggan, Blessington, Clane, Kinsealy-Drinan, Lusk, Laytown-

Bettystown, Ratoath, and Sallins. Nevertheless, it should also be noted that such towns are important employment and service centres. In addition some of these settlements, such as Ashbourne and Ratoath have the potential to strengthen their employment base and develop as important centres of employment due to their strategic location, connectivity with surrounding settlements, and the availability of a skilled workforce.”

5.3. Kildare County Development Plan 2023-2029

- 5.3.1. The Development Plan came into force on 28 January 2023, and deals with the Core Strategy and Settlement Strategy in Chapter 2. This is an overarching growth strategy for the development of the county to 2029, and a critical component of the Plan, to articulate a strategy for the spatial development of the county.
- 5.3.2. It notes at Section 2.6 that it applies a compact growth philosophy to the existing urban footprint of settlements, and that the extent of zoning on peripheral greenfield development sites will need to be critically evaluated with regard to their compatibility with the renewal and regeneration targets set out in the NPF.
- 5.3.3. It sets out the Settlement Hierarchy of the county at Table 2.7, with each settlement type designated as either a key town, self-sustaining growth town, self-sustaining town, town, village, or rural settlement. It notes that the factors considered in the allocation of settlements to each level were:
- *Key Town designations in the RSES.*
 - *Scale of existing population and the performance of individual settlements.*
 - *Proximity to high quality public transport services*
 - *Availability and capacity of physical and social infrastructure currently in place in each of the settlements.*
 - *Environmental sensitivities in the county*
- 5.3.4. Clane is designated as a self-sustaining town, (defined as per the RSES definition). Table 2.8 is the Core Strategy Table, and sets out housing targets and associated population targets for each settlement. It allocates 2.4% of the county housing and population target to the town of Clane – an increase of 604 persons or 219 units, with a requirement for 7 ha of zoned land, and a Target Residential Density of 35-40

units per hectare. Larger settlements have a higher Target Residential Density, while lower tier settlements have a lower Target Residential Density.

- 5.3.5. Objective CS O1 is that future growth and spatial development is in accordance with the population and housing allocations contained in the Core Strategy.

Settlement Name	Census 2016 Population	Settlements percentage per total County population	2021 Population Estimate (based on % growth from 2011-2016) ⁹	Housing & Population Target %	Population Target 2023 to 2028 (end of Q4) (persons)	Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs	Residential Zoned Land Requirement (ha)	Target Residential Density (UPH)
Clane	7,280	3.27%	7702	2.40%	604	219	7	35-40

Extract from Table 2.8 – Core Strategy Table

CS O2 is to ensure that the future growth and spatial development of County Kildare provides for a county that is resilient to climate change, enables the decarbonisation of the county's economy and reduces the county's carbon footprint in support of national targets for climate mitigation and adaption objectives as well as targets for greenhouse gas emissions reductions.

- 5.3.6. CS O9 is an objective to review and prepare Local Area Plans for the mandatory LAP settlements (which includes Clane) in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines.
- 5.3.7. CS O13 requires that future development is designed to comply with the 10-minute settlement principle.
- 5.3.8. CS O19 is an objective to align the Development Plan with the up-to-date population from Census 2022 where there are verified material population differentials at settlement level to those estimates set out in Table 2.8, by way of a statutory variation/review.
- 5.3.9. Chapter 3 deals with housing, and a number of policies and objectives in this chapter reiterate the requirement to zone sufficient land, comply with the core strategy and national and regional policy documents. Policy HO P5 is to promote residential densities appropriate to its location and surrounding context. A number of policies and objectives (HO P6, HO P7, HO O8, HO O9, HO O11, HO O12) aim to facilitate and encourage the development of brownfield, backland, and vacant sites. Table 3.1 outlines the density levels for different settlement types, reiterating the parameters set out in the 2009 Ministerial Guidelines. Outer Suburban/'Greenfield' sites in towns

with a population of more than 5000 have an indicated range of 30-50 units per hectare.

5.3.10. Chapter 4 deals with 'Resilient Economy & Job Creation', and Objective RE O31 is to encourage job creation in the Self-Sustaining Towns of Celbridge, Monasterevin, Clane and Kilcock *'in order for them to become more self-sustainable and balanced considering they have experienced rapid population growth with high levels of commuter focused residential expansion without equivalent increases in jobs and services.'*

5.3.11. Chapter 5 deals with 'Sustainable Mobility & Transport' and aims to promote and facilitate ease of movement by integrating sustainable land use planning and a high-quality integrated transport system; and to support and prioritise investment in more sustainable modes of travel, the transition to a lower carbon transport system, and the development of a safer, efficient, inclusive, and connected transport system.

5.3.12. Objective TM O111 states it is an objective of the council to:

All non-residential development proposals will be subject to maximum car parking standards (and minimum cycle parking standards) and all residential development proposals 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/ bus priority route) will be subject to maximum car parking standards (and minimum cycle parking standards) as a limitation to restrict car parking provision and achieve modal shifts to sustainable modes of transport.

5.3.13. TM T2 is a target to increase the current modal shares of trips to work by walking to 20% and cycling to 10% as a minimum during the lifetime of the plan, while TM T3 is a target to increase the current modal share of trips to education by walking to 50% and by cycling to 15% over the same period.

5.3.14. Chapter 10 deals with Community Infrastructure. Objective SC O16 and Objective SC O17 require applications for 20 or more residential units to include a Social Infrastructure Audit of facilities within a 10-15 minute walking radius, and where a deficit is identified, to submit proposals to address this.

- 5.3.15. Section 13.7 deals with Urban Recreation and Amenity. Objective LR O82 requires the provision of good quality, well located and functional open space in new residential developments, including landscaping with native species and scale appropriate natural play areas to cater for all age groups.
- 5.3.16. Chapter 13 deals with Landscape, Recreation and Amenity, and sets out that the area around the River Liffey Landscape Character Area is considered to be of Special Sensitivity, with low capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to special sensitivity factors. Table 13.4 sets out that 'urban expansion' within 300 metres of Major Rivers and Water bodies is likely to be a compatible use only in certain circumstances.
- 5.3.17. Chapter 15 of the Development Plan comprises development management standards for various forms of development, including section 15.4 addressing housing. Table 15.8 sets out standards for car parking, with a maximum of 1 space each for houses up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater. For apartments, the maximum is 1.5 spaces per unit plus 1 visitor space per four apartments. Table 15.4 sets out standards for cycle parking, with a minimum of 1 space per bedroom plus 1 visitor space per 2 apartments.
- 5.3.18. Appendix 9 of the Development Plan sets out the methodology for preparing the Core Strategy. This notes that the methodology was based on the Section 28 Guidelines *Housing Supply Target Methodology for Development Planning 2020* and *Development Plans: Guidelines for Planning Authorities (2021)*.

5.4. Local Planning Context

- 5.4.1. It is noted that the Clane Local Area Plan 2017-23 (which came into force in June 2017) has lapsed, and has not been renewed or extended.
- 5.4.2. The Clane Town Centre First Plan was published in April 2024. This is a non-statutory plan prepared on foot of the national Town Centre First Policy 2022, and concerns the area around Main Street, the Abbeylands Shopping Centre, and part of Prosperous Road (the area previously zoned 'Town Centre' in the Clane Local Area Plan). It identifies a number of projects and actions to be taken forward under the themes of Movement and Connectivity; Public Realm and Built Environment;

Heritage and Identity; and Activities and Use. It identifies a number of vacant and derelict sites in the town centre, and states that addressing vacancy and dereliction is a key priority under the national Town Centre First policy framework. The site is outside the boundaries of this plan.

5.5. Natural Heritage Designations

- 5.5.1. The appeal site is not located on or adjacent to any designated site. The Ballynafagh Bog SAC (Site Code: 000391) and the Ballynafagh Lake SAC (Site Code: 001387) are located c. 6 and c. 7 kilometres to the west of the subject site respectively.
- 5.5.2. The River Liffey is c. 150 metres to the east. While this river is not subject to any Natura 2000 designations, it discharges into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the North-west Irish Sea SPA (Site Code: 004236), River Tolka Estuary SPA (Site Code: 004024), the North Dublin Bay SAC (Site Code: 000206), the North Bull Island SPA (Site Code: 004006), the South Dublin Bay SAC (Site Code: 000210), and the South Dublin Bay and Tolka Estuary SPA (Site Code: 004020). The site is located over 30 kilometres from the sites in question, with the distance via the path of the river being considerably in excess of this.

5.6. EIA Screening

See completed Form 2 on file. Having regard to the nature, size, and location of the proposed development and to the criteria set out in schedule 7 of the regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

One third party appeal was received, from Clane Community Council. This detailed appeal dealt largely with the principle of the development, and raised the following issues:

- Clane's population has grown rapidly since the 1990s, and public and social infrastructure has not kept pace with population growth. School and GP services are oversubscribed. This imbalance has been exacerbated by the construction of housing (73 units at Abbott Field) on lands zoned for Community and Educational Use. Traffic congestion is the result of inadequate public transport, car-dependent development, and an unfinished ring road. The number of houses permitted in the period 2017-23 exceeds the number set out in the Local Area Plan for that period. Further development should be in line with evidence-based housing allocations approved by the Planning Authority and Regional Assembly, and not continue past trends of high growth on a perpetual basis. The concerns of the Office of the Planning Regulator (OPR) regarding the growth of Clane have not been addressed.
- High levels of population growth in a town like Clane, which is dependent on car travel to access work and school, will 'bake in' higher carbon emissions in the long term, in contravention of National and International policies to disrupt existing development trends and undertake an urgent, system-wide transformation to limit greenhouse gas emissions and address climate change. The development will further increase car dependency.
- National policy (Climate Action Plan 2023, National Planning Framework, and the spatial plans that emanate from that) aims to reduce carbon emissions by consolidating development and reducing private car use, and the planning authority is legally obliged to consider these in their assessment.
- The applicant has over-represented the quality of existing public transport, an assertion which is not supported by NTA data, and over-relied on proximity to the motorway network to justify the development.
- The submission of piecemeal and overlapping planning applications on the KDA1 site where a permission for 333 units is under judicial review is an unusual approach, and would still lead to a breach of the recommended limit set out for the KDA1 site under the Clane LAP.

Appendices were attached: Appendix 2 comprised minutes of the meeting at which the Clane Local Area Plan 2017-23 was adopted, while Appendix 3 contained details of the adoption of the Kildare County Development Plan 2023-29, including submissions from the applicant, from the appellant, and from the

Office of the Planning Regulator (OPR), recommendations and opinions of the Chief Executive, and minutes of the council meetings.

6.2. Applicant Response

The applicant responded with a detailed submission, with a description of the site and the development, an overview of the recent planning history, a defence of their involvement in the plan-making process, and a response to the appellant's issues as follows:

- The appellant has misrepresented both the number of houses permitted in Clane, and the number envisioned by the Clane Local Area Plan 2017-23. The housing target for Clane in the period of the LAP was not reached. In any case, this planning application needs to be assessed as part of the fresh housing allocation target set out in the Kildare County Development Plan 2023-29.
- Sufficient school infrastructure exists, with no new sites required, and a number of recent permissions for school extensions. A number of students from surrounding towns travel to Clane, while a number of Clane students travel to surrounding towns, as these are accessible by bus and the preferred choice for some families. Data from the Department of Education indicates that demand for second level places in the Prosperous-Clane school planning area are expected to increase slightly in 2024 and decline thereafter, while national trends indicate primary school demand is in decline. Enrolment numbers for schools in Clane have increased only marginally in recent years, and there is sufficient capacity for the likely number of new students generated by 39 new dwellings (25 persons).
- Clane provides significant social, public, and community infrastructure that services the town, and has the capacity to absorb the proposed development. The site is zoned residential, and while there is a need for continued investment in services, the site would not be appropriate for other uses.
- The subject lands are appropriately zoned, easily serviced, within 10 minutes' walk of the town centre, within the development boundary of Clane, and surrounded by existing and permitted housing developments, lands recently granted permission for a nursing home, and by a designated riverside park.

The site is earmarked for development as part of the LAP, and the proposal complies with policies encouraging residential development within towns, and provides essential dwellings during an acute housing crisis.

- Notwithstanding the acknowledged status of Clane as being car dependant, the proposed development is within a 10-minute walk of Main Street, the application was accompanied by a Mobility Management Plan, has been designed to encourage walking and cycling, and complies with relevant Development Plan policy objectives. Furthermore, the accompanying Traffic Impact Assessment showed acceptable impacts. The NTA has confirmed that there are no capacity issues in public transport in the area, due to changes in work travel patterns post-pandemic.
- The adopted phased development approach will ensure compliance with the Planning Authority's Core Strategy and housing targets for Clane. The extant permission on the subject site indicates the acceptability in principle of the development.

6.3. Planning Authority Response

The planning authority responded on 25 August 2023. They noted they had no specific comments to make on the appeal, but noted the recent legal judgement regarding the core strategy in Clane, and advised the Inspector to have regard to the relevant case law ([2023] IEHC 467, also known as Clane Community Council v An Bord Pleanála & Ors).

6.4. Observations

None received.

6.5. Further Responses

None received.

7.0 Assessment

- 7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the

local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning
- Compliance with Core Strategy and national policies
- Social Infrastructure
- Density (new issue)
- Car and cycle parking (new issue)
- Phasing

7.2. Zoning

- 7.2.1. As indicated above, while both the Kildare County Development Plan 2023-29 and the Clane Local Area Plan 2017-23 were in force when this application was lodged, the Local Area Plan for Clane has since lapsed and has not been extended. The zoning for the town of Clane was contained in the Local Area Plan, and the County Development Plan is silent on the issue of land zoning in Clane. I note that the Local Area Plan adopted in 2017 zoned the site as *C: New Residential/Infill*, as part of one of 5 edge-of-town greenfield sites designated as 'key development areas' (KDA 1).
- 7.2.2. Objective CS O9 of the Development Plan is to review and prepare a portfolio of Local Area Plans for the mandatory LAP settlements, of which Clane is one, in accordance with the objectives of the Development Plan and all relevant Section 28 Ministerial Guidelines.
- 7.2.3. The lack of zoning on the site (in the context of the wider lack of zoning in the town) does not in itself preclude its development, subject to compliance with the provisions of the Development Plan, and the relevant Ministerial Guidelines.

7.3. Compliance with Core Strategy and national policies

- 7.3.1. The appellant raises the issue of compliance with national policy including the National Planning Framework (Project Ireland 2040), the National Development Plan 2021-30, the Climate Action Plan 2023 (since superseded by the Climate Action Plan 2024) and the Regional Spatial and Economic Strategy 2019-2031. The County

Development Plan is obliged to be consistent, as far as practicable, with objectives set out in the NPF and RSES. The Core Strategy and Settlement Hierarchy in the Development Plan is adopted to implement these higher level policy frameworks. In addition, the Board is obliged to make all decisions in a manner that is consistent with the Climate Act (the Climate Action and Low Carbon Development Act 2015 (as amended)).

- 7.3.2. I note the OPR's submission to the Development Plan in relation to the status of Clane as a self-sustaining town, and the appellant's dissatisfaction with the response; however, I see no contradiction between the Core Strategy and the RSES regarding the designation of Clane as a 'self-sustaining town'. The description of a 'self-sustaining town' in the RSES is that of a town which has achieved rapid population growth and has a weak employment base, with high levels of commuting, and a requirement for targeted investment in local employment and services, and Clane is specifically mentioned in the relevant section. The Development Plan mirrors the RSES in using this definition.
- 7.3.3. The Core Strategy Table 2.8 shows the percentage of the existing population of Kildare in each settlement in 2016, with an estimate for 2021, and the percentage of the projected population increase between 2023 and 2028 that each town is expected to accommodate. Typically, larger towns and towns that are higher in the hierarchy have a greater share of the projected population increase; Clane is an exception to this trend. It is the only 'self-sustaining town' which has a projected population increase of less than 10% of its 2016 total (604 people, 8.3% of its 2016 population of 7,280). The other 'self-sustaining towns', the 'self-sustaining growth towns' and the 'key towns' all have projected population increase targets of between 12% and 19% of their 2016 population. In any case, I see no disagreement between the core strategy and settlement strategy of the Development Plan, and the higher order plans, having regard to Clane's status. As such, it is reasonable to assess the compliance with the core strategy as a proxy for compliance with the other policies and plans, taking into account any policy changes which post-date the adoption of the Development Plan (Town Centre First Policy, Climate Action Plan 2024).
- 7.3.4. Both the appellant and the applicant give an account of planning permissions granted in Clane in recent years, and there is some dispute between them on what should be counted, and whether housing was over- or under-provided in Clane

relative to the Core Strategy (which was amended by variation midway through the life of the Development Plan in 2020, on foot of the NPF and RSES in 2019).

- 7.3.5. However, a new Core Strategy was adopted as Chapter 2 of the 2023 Development Plan, and this is the relevant and appropriate strategy against which to consider the current proposal. This has a target of 219 residential units for Clane, over the 6 years of the plan period 2023-2029.
- 7.3.6. Having examined the Core Strategy (Chapter 2 of the Development Plan, the Methodology on which it is based as set out in Appendix 9 of the Development Plan, and the relevant Ministerial Guidelines (*Development Plans – Guidelines for Planning Authorities 2022*, and *Housing Supply Target Methodology for Development Planning 2020*), I would note that it is a spatial strategy for housing supply and delivery. The stated aim of the Core Strategy is “*to provide for the delivery of an additional 9,144 housing units to accommodate an additional 25,146 people by the end of the Plan period*”. It is the convention to consider planning applications granted, rather than housing units completed, when assessing compliance with a core strategy. This is the interpretation used in the planner’s report on the file, which states ‘*no housing schemes have been permitted in Clane since adoption of the new plan and therefore the proposal of 39no. units is within the 219no target and the Core Strategy will not be compromised.*’
- 7.3.7. The recent planning history of multi-unit developments noted above indicates final grants of planning permission for 283 new units in Clane since the adoption of the County Development Plan 2023-2029, (with a net gain of 281, due to the demolition of 2 houses to facilitate redevelopment of brownfield sites). There is also potential for up to 51 more units (favourable decision by the Local Authority on Phase 1B of KDA1, currently under appeal). I note also the SHD application on the wider site which has been remitted to the Board; while this current application (referred to as Phase 1A), and those referred to as Phase 1B, Phase 2, and Phase 3 have been accounted for in other applications, there are also three apartment blocks containing 143 apartments on the area referred to as Phase 4 by the applicant. I have set these out in two separate tables below for the convenience of the Board.

Application no	Location	Date of <u>final</u> <u>grant</u>	No of units	Notes

ABP-314802-22 (KCC 22/889)	Site referred to as phase 3, KDA1, Capdoo	25 March 2024	59	
ABP-391496-24 (KCC 23/972)	Millicent Road (KDA5)	29 March 2024	190	8-year permission
KCC 24/140	Site adjacent to KDA2 SHD	30 July 2024	14 (less 1)	Demolition of 1 house on site
KCC 24/60485	Site at Sallins Road	14 October 2024	20 (less 1)	Demolition of 1 house on site
Total permitted:			283, less 2 demolished	

Table 1: No of units permitted in Clane since the adoption of the new core strategy

Application no	Location	Status	No of units	Notes
ABP-319096-24 (KCC 23/728)	Site referred to as phase 1B, KDA1, Capdoo	Live appeal to ABP	51	KCC granted 22 January 2024.
ABP-320511-24 (formerly ABP-308943-20)	KDA 1, Capdoo	SHD remitted to ABP	143	Phase 4 of site, not the subject of any other application. 333 units total
Potential additional grants:			194	

Table 2: Live planning applications for multi-unit housing developments in Clane

- 7.3.8. Having regard to the housing targets for Clane during the 6-year plan period (219 units) and the number of housing units permitted in that period (283), I would consider a grant of permission in this instance to be in contravention of Objective CS O1 of the County Development Plan, *to ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy*. Furthermore, given the primacy of the Core Strategy in directing development within the county, I would consider a material

contravention of this objective to be a material contravention of the Development Plan.

7.3.9. I note Objective CS O19, to review or vary the Development Plan in the event of material differences between the published Census 2022 population figures, and the 2021 estimates in the Core Strategy. The relevant figures have been released by the CSO; however, I am not aware of any proposed variation on foot of them.

7.3.10. Under Section 37(2)(a) of the Planning and development Act 2000 (as amended) the Board may grant a permission that contravenes the Development Plan in certain limited circumstances. I have assessed the development against the four criteria set out in Section 37(2)(b) below.

(i) *the proposed development is of strategic or national importance,*

The proposed development of 39 dwellings is not of strategic or national importance.

(ii) *there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or*

I do not consider there to be conflicting objectives or lack of clarity in the Development Plan insofar as the quantum of housing development for Clane is concerned. The Target Residential Density for Clane is set at 35-40 units per hectare in the Core Strategy. Elsewhere in the plan, Table 3.1 reiterates the parameters set out in the 2009 Ministerial Guidelines, and states that Outer Suburban or Greenfield sites in towns with a population of 5000 or more should have an indicated range of 30-50 units per hectare. This might be considered to be a lack of clarity on the subject of density; however, the proposed development at 23 units per hectare is not within either range set out, and insofar as the proposed development is concerned, I do not consider the ambiguity relevant, or grounds for material contravention of the plan. Furthermore, this ambiguity only applies to the density at which residential units should be developed, and not to the number of units to be delivered in Clane.

(iii) *permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,*

I have noted the relevant regional strategy, and the Section 28 Ministerial Guidelines relevant to residential development above. I have had regard to these, and to wider government policy including *Housing for All – a New Housing Plan for Ireland* and *Town Centre First: A Policy Approach for Irish Towns*, I see no conflict between these policies, guidelines and strategies, and the Core Strategy of the Development Plan, and no pressing reason therein to override the provisions of the Development Plan. A case might be made for providing new housing in contravention of the core strategy, where such development fulfils other government policy objectives regarding re-use of existing vacant buildings, reusing brownfield sites, and tackling decline and dereliction; however, this is not at issue in this case, and I do not consider that permission should be granted under this criteria.

- (iv) *permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.*

I have noted the recent permissions and recent developments in the area in the planning history above. I would draw the Board's attention in particular to the recent completion of an apartment block and duplexes (reg. ref. 21/1400, referred to as Phase 2) immediately to the west of the appeal site. This latter site has its surface drainage running through the appeal site, and as noted in the planning history, in the appeal, and the first party's response, the development the subject of this appeal is considered by the applicant to be one phase of a wider development, based on a masterplan developed for SHD application ABP-308943-20, on foot of the provisions of the now lapsed 2017 Local Area Plan. However, given the passage of time and the changes in planning policy since the adoption of that Local Area Plan, and having regard to the status of that SHD application, I do not consider these developments to be persuasive precedents. Given the issue in question is the quantum of housing to be developed in Clane, I do not consider that the previous development of housing in the area is a reason to grant permission in contravention of the provisions of the Core Strategy of the plan, and as such I recommend a refusal on this issue. In summary, I consider that there are no grounds for a material contravention of the plan.

- 7.3.11. Having regard to the Core Strategy housing target for Clane for the period 2023-29 (219 units) and the number of units permitted since its adoption (283), the Objective

CS O1 of the County Development Plan, and the purpose of the Core Strategy in executing the goals and objectives of the National Planning Framework and the Regional Spatial and Economic Strategy, I recommend a refusal on the grounds of the material contravention of the Core Strategy.

7.4. Social Infrastructure

- 7.4.1. The appellant states that rapid population growth in Clane has put pressure on school places and GP facilities. As noted above, Objective SC O17 requires applications for 20 or more residential units to include a Social Infrastructure Audit of facilities within a 10-15 minute walking radius, and where a deficit is identified, to submit proposals to address this. This was not addressed as part of the planning application, but the response to the appeal deals with the issue of school infrastructure and social infrastructure in Clane in Section 5.2 of their response. This section addresses schools; retail; childcare; healthcare; finance; infrastructure; public transport; tourism/leisure; sports and clubs; and employment (although not all of these are mapped).
- 7.4.2. The first party has provided a significant quantum of information on roll numbers in recent years in the schools in Clane, as well as projected enrolment figures nationally, and details of permitted extensions and new buildings in Clane, as well as noting the projected construction of a new post-primary school building in Prosperous (with which Scoil Mhuire shares parts of its catchment area) with a capacity of 1000 pupils. They also submit a letter from the Forward Planning section of the Planning and Building Unit of the Department of Education. This letter notes that Clane falls within the Prosperous – Clane school planning area, and post-primary enrolments in the area are projected to peak in 2024 and peak thereafter. The Department acknowledges that major new residential developments have the potential to alter demand, and they note that they obtain information from Local Authorities regarding new residential developments and plan-making in order to keep pace with demand.
- 7.4.3. I am satisfied that school capacity can be addressed by the Department of Education, and is not a reason for refusal.
- 7.4.4. There is no evidence on the file of a deficit in social infrastructure in Clane as a whole, with a large number of facilities noted in the first party's response and

observed during the site visit. I would note that there are no school facilities within a 10-15 minute walk; the secondary school and two primary schools are located c. 25 minutes' walk away on Prosperous Road, with the majority of sports grounds (athletics, soccer, GAA, rugby) also located here. A further primary school is located on Millicent Road, c. 35 minutes' walk from the site. Within a 15-minute walk of the site, there are two childcare facilities (plus one under appeal to the south of the site), and a number of shops and supermarkets, as well as the library, the tennis club, and a GP surgery and a pharmacy. The appellant has stated that there is considerable pressure on GP facilities, but provided no further details. I note there are five GP surgeries in Clane. I consider the social infrastructure of Clane to be sufficient.

7.5. Density (new issue)

- 7.5.1. The Target Residential Density for Clane is set at 35-40 units per hectare in the Core Strategy of the Development Plan. Elsewhere in the plan, Table 3.1 reiterates the parameters set out in the 2009 Ministerial Guidelines, and states that Outer Suburban or Greenfield sites in towns with a population of 5000 or more should have an indicated range of 30-50 units per hectare (net density).
- 7.5.2. The recently issued Ministerial Guidelines *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* post-date the adoption of the Development Plan, and take precedence in the event of a material inconsistency. These set out various density ranges for different size settlements, and also set out criteria for assessing appropriate density. They also clarify (in Appendix B) that the net site area includes local streets as defined by Section 3.2.1 DMURS, parking, local parks such as neighbourhood and pockets parks or squares and plazas, and incidental open space, and excludes arterial streets and link streets (as defined by DMURS) and larger, regional or district parks.
- 7.5.3. The proposed development has a density of 23 units per hectare, as calculated under the above guidelines, and as stated in their application, and as acknowledged in the council planner's report. That report noted the density falls short of the Core Strategy target, but considered it acceptable in light of the established pattern of low-density development in the adjacent housing estate, and the proposal for higher density schemes on adjoining sites.

- 7.5.4. I note the applicant states in their response to the appeal that the development has a net density of 33 dwellings per hectare, with a net site area of 1.17 hectares. However, this calculation is not supported by the Ministerial Guidelines methodology, and the 23 units per hectare figure stated in the original application is the correct one. This falls short of the density targets indicated in the Development Plan.
- 7.5.5. Clane had a population of 8,152 people in the most recent census, and as such falls under the heading of Key Towns and Large Towns (5,000+ population). The site is a greenfield one at the edge of the existing built-up footprint, and as such it is an Urban Extension site. It is a policy and objective of the Ministerial Guidelines that a density in the range of 30-50 dwellings per hectare be provided at such a site. Policy and Objective 3.1 of these Guidelines note that the density ranges can be refined further, with densities at the higher end of the range at well-connected and central locations, and densities below the mid-density range at peripheral locations. Further refinements can be undertaken having regard to local character, historic environments, important natural features, and residential properties in close proximity.
- 7.5.6. Having regard to accessibility, Table 3.8 of the Guidelines sets out the parameters for defining accessibility, with the proximity to, and frequency of, public transport being the defining factors. A site within 500 metres of high frequency urban bus services is considered an accessible location: lands within 1,000 metres of a high frequency urban bus service (10 minute peak hour frequency), or within 500 metres of a reasonably frequent (15 minute peak hour frequency) urban bus service is considered an intermediate location, while lands that do not meet the above criteria are considered peripheral.
- 7.5.7. The site is approximately 500 metres' walk from the nearest bus stops, served by the 120 Dublin to Prosperous and Newbridge/Edenderry, operated by GoAhead Ireland. This is a commuter service to Dublin, and as such I do not consider it an urban bus service. As such, I consider the site to be a peripheral one, with an appropriate density below the mid-density range.
- 7.5.8. Having regard to considerations of Character, Amenity and the Natural Environment, as per the Guidelines, I note that the site is located within the River Liffey Landscape Character Area, within 300 metres of the River Liffey, and there are proposals to extend the Riverside park north to a larger park. As such, a further reduction below

30 units per hectare might be considered. However, no Visual Impact Assessment has been submitted, and the issue of density has been only briefly addressed in the application. It has not been demonstrated that the proposed density of 23 units per hectare is appropriate, given national, regional, and Development Plan policy on the issue of density, and given the overarching requirement to make efficient use of land and create compact settlements.

- 7.5.9. This is not an issue that was raised in the appeal, and as such the applicant has not had an opportunity to address it in their response, and the Board may wish to seek the views of the parties. However, having regard to the substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.6. Car and Cycle Parking (new issue)

- 7.6.1. The proposed development has 2 car parking spaces per house, 1.5 spaces per maisonette, and 4 visitor parking spaces in total. As noted above, *Table 15.8 – Maximum Car Parking Standards* of the Development Plan sets out ‘1 space each for units up to and including 3 bed units and 1 space + 0.5 visitor spaces for units of 4 bedrooms or greater’ for houses, and ‘1.5 spaces per unit + visitor space per 4 apartments’ for apartments.
- 7.6.2. The development plan sets out at TM O11 that all non-residential developments, and all residential developments within 10-minutes’ walk of town centres (or of high-capacity public transport) will be subject to maximum car parking standards, and minimum cycle parking standards, to achieve modal shift to sustainable modes of transport.
- 7.6.3. Section 15.7.8 of the Plan, in the Development Management Standards chapter, states that the standards set out in Table 15.8 are maximum standards, and that residential developments in areas within walking distance of town centres (800 metres, or 10 minutes’ walk) should be designed for fewer parking spaces.
- 7.6.4. There appears to be a contradiction between these two elements of the plan. Objective TM O11 implies the maximum does not apply to residential developments outside of a 10-minute walk to town centres or high-capacity public transport, while Section 15.7.8 states flatly ‘Parking standards are **maximum** standards’, with no reference to exceptions, and the word maximum in bold. The text at Section 15.7.8 states that central or well-connected residential developments ‘*should be designed*

for fewer parking spaces’ indicating that the standards are maximums, and that further reductions are required or welcomed for central and well-connected residential developments; while the objective TM O11 (when read alone) indicates that the maximum only applies to central and well-connected residential sites (as well as all non-residential ones).

- 7.6.5. For clarity, I note that while the applicant states the site is within 10-minutes’ walk of the town centre, it is c. 1 km from the top of Main Street, and therefore falls outside the 10-minute walking distance (see the *Walking and Cycling Map* produced for the Clane Town Centre Plan).
- 7.6.6. The Ministerial Guidelines *Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)* address car parking, and note at *SPPR 3 – Car Parking* that in intermediate and peripheral locations, the maximum rate of car parking, where such provision is justified to the satisfaction of the planning authority, shall be no more than 2 spaces per dwelling. They state that applicants should be required to provide a rationale and justification for the car parking proposed, and satisfy the planning authority that they are necessary and appropriate, particularly when they are close to the maximum provision.
- 7.6.7. Regarding cycle parking, *SPPR 4 Cycle Parking and Storage* sets out that residential units that do not have ground level open space, or that have smaller terraces, should have 1 cycle storage space per bedroom provided, in a dedicated facility of permanent construction.
- 7.6.8. The planning report submitted with the application acknowledged the overprovision of parking for the houses (2 per house, rather than 1 per house), but noted that it was ‘consistent with the approach that was adopted for development phases already approved within the overall masterplan area.’
- 7.6.9. I do not find this to be a satisfactory rationale or justification for exceeding the maximum car parking standards set out in Table 15.8 given that the approach was adopted under the previous development plan, which had different parking standards.
- 7.6.10. One cycle parking space is provided for each maisonette, in their ground level private open space. I note neither the Ministerial Guidelines nor the Development Plan require specific cycle parking provision for houses; however, I would have some concerns about cycle storage to the mid-terrace houses, which have no external

access to the rear gardens, and limited or no space to provide bicycle storage to the front, requiring all bicycles to be wheeled through the kitchen of the house, or stored in the house itself. Provision has been made for wheelie bins (with stores provided at the edge of the public open space, or beside the car parking spaces) but not for bicycles. Given the distance to the schools (c. 25 minutes' walk or 7 minutes cycle), convenient and efficient cycle storage would be helpful to encourage modal shift – I note it is a target of the Development Plan TM T2 to increase the current modal share of trips to education to 15% during the lifetime of the plan. The contents of the Mobility Management Plan prepared by Roadplan Consulting are noted. This notes that just 5 out of 566 individuals in the 3 surrounding SAP (small area population) areas cycled to work, school, or college in 2016. The figures from the 2022 census have since become available, and I have consulted them. The population of the surrounding area has grown to 694, with 2 individuals habitually cycling to work, and no individuals habitually cycling to school or college.

7.6.11. I would have concerns about reducing the quantum of car parking in the absence of designed-in measures to facilitate modal transfer to cycling, including parking for electric bikes and cargo bikes.

7.6.12. The Mobility Management Plan submitted with the application estimates 291 daily trips from the development (predicted using the TRICS database). The anticipated initial modal split, and the target modal split, is as follows:

	On foot	Bicycle	Public transport	Car, motor bike, van	Other
2016	11%	1%	8%	76%	4%
TARGET	16%	5%	15%	60%	4%

This target for cycling (to be achieved by advertising the Cycle to Work Scheme, making the Mobility Management Plan available, and reducing the speed limit to 30km/h if possible) of 5% falls far short of the County-wide target of 10% of trips to work and 15% of trips to education.

7.6.13. On the whole, I have concerns regarding the over-provision of car parking, relative to the Development Plan standards; the poor provision for cycle parking; and the low targets for modal transfer, and I am not satisfied that the proposal as designed is

acceptable. Should the Board be minded to grant permission, amending conditions addressing both car parking and cycle parking should be attached.

- 7.6.14. Car dependency in Clane as a whole was a main issue raised in the appeal, although no reference was made to the specific issue of car and cycle parking provision on the site. As such the applicant has not had an opportunity to address this in their response, and the Board may wish to seek the views of the parties. However, having regard to the other substantive reason for refusal set out below, it may not be considered necessary to pursue the matter.

7.7. Phasing

- 7.7.1. The planning applications on the site and neighbouring sites are noted above in the planning history. The planning application was validated by the planning authority, and can be assessed on its merits. It is not unusual for applicants to submit consecutive applications for developments in phases, to facilitate phased construction. The appellant's comments regarding the original capacity estimates of the wider KDA1 site in the LAP are noted: however, this LAP has lapsed, and it is appropriate to assess the application under the current policy context.

8.0 Appropriate Assessment

8.1. Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

- 8.1.1. I have considered the proposed development **of 39 dwellings** in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended. A screening report for appropriate assessment prepared by Openfield Ecological Services was submitted in conjunction with the application. It concludes a finding of no significant effects. The application also contains an Ecological Impact Statement, a Bat and Badger Impact Evaluation, an Arboricultural Report and a Preliminary Construction and Environmental Management Plan. The Local Authority undertook Appropriate Assessment screening, and their finding was that there were no potential significant effects and a Natura Impact Statement was not required.
- 8.1.2. The development comprises 39 residential units and all associated works on a site of 1.7 hectares, as well as upgrades to the Dublin Road at the junction of the Brooklands Estate. The proposed development will be connected to public water supply, surface water sewerage and foul water sewerage. A surface water sewer runs along the south and east boundary, with an attenuation tank in the south-east corner, serving the recently completed neighbouring apartment development to the west, and also intended to serve the subject development.
- 8.1.3. The site is a greenfield site with mature hedgerows to the boundaries. Formerly in agricultural use, quantities of fill and builders' rubble have been deposited on the site from nearby construction.
- 8.1.4. The site is bordered by a recently completed residential development to the west; and by fields to the north, south, and east. The field to the south is in use as a compound for residential construction to the south and east.
- 8.1.5. The site is located c. 150-200 metres from the River Liffey to the southeast.

8.2. European Sites

- The proposed development is not in or immediately adjacent to any Natura 2000 sites. Surface water and wastewater pathways ultimately lead to Dublin Bay (via the River Liffey), which is subject to a number of designations, including the following:

- North-west Irish Sea SPA (Site Code: 004236)
- South Dublin Bay River Tolka Estuary SPA (Site Code: 004024),
- the South Dublin Bay SAC (Site Code: 000210),
- the North Dublin Bay SAC (Site Code: 000206) and
- the North Bull Island SPA (Site Code: 004006).

8.2.1. As the crow flies, the separation distance between the subject site and Dublin Bay is over 30 kilometres, with the distance via the river flow in excess of this distance. Additionally, drinking water for the proposed development may originate from the

- Poulaphouca Reservoir which is designated an SPA (Site code:4063).

8.2.2. There are no direct or indirect pathways between the development site and any other Natura 2000 site.

8.2.3. Surface water discharge from the proposed development will ultimately discharge into the River Liffey. Detailed SuDS measures are to be incorporated into the scheme. The surface water management system has been designed to ensure that the quality and quantity of run-off are maintained at a greenfield standard. It is noted that these SuDS systems are now standard in all new developments to address potential flooding issues, they are not mitigation measures to avoid or reduce impacts on European sites.

8.2.4. Wastewater from the proposed development will pass into the Osberstown wastewater treatment plant (also referred to as the Upper Liffey Valley Regional Sewerage Scheme) which discharges treated wastewater into the River Liffey under an existing Waste Discharge Authorisation Licence issued by the Environmental Protection Agency. The development will be the subject of a connection agreement with Irish Water.

8.2.5. The European Sites identified in the AA screening report with potential pathways are listed below.

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Conservation objectives
SAC			

South Dublin Bay SAC (0210)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	31 km to the east of the site	To maintain the favourable conservation condition of habitats *See South Dublin Bay SPA also
North Dublin Bay SAC (0206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]	c. 34 km to the northeast of the site.	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide; of Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>); of Mediterranean salt meadows (<i>Juncetalia maritimi</i>), and of <i>Petalophyllum ralfsii</i> (Petalwort). To restore the favourable conservation condition of Annual vegetation of drift lines; of <i>Salicornia</i> and other annuals colonizing mud and sand; of Embryonic shifting dunes; of Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ; of Fixed coastal dunes with herbaceous vegetation, and of Humid dune slacks.
SPA			
North-west Irish Sea SPA (4236)	Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Little Gull (<i>Larus minutus</i>) [A177] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Kittiwake (<i>Rissa tridactyla</i>) [A188] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Little Tern (<i>Sterna albibrons</i>) [A195] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	c. 34 km to the northeast of the site	To maintain the favourable conservation condition of red-throated diver; great northern diver; manx shearwater; common scoter; black-headed gull; common gull; lesser black-backed gull in North; great black-backed gull; roseate tern; common tern; Arctic tern; little tern; guillemot; razorbill; puffin, and little gull. To restore the favourable conservation condition of fulmar; cormorant; shag; herring gull, and kittiwake.

South Dublin Bay and River Tolka Estuary SPA [4024]	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	c.32 km to the east of the site.	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Poulaphouca Reservoir SPA (site code: 4063).	<p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p>	c.17 km to the southeast of the site	To restore the favourable conservation condition of the Greylag Goose, and to maintain the favourable conservation condition of the Lesser Black-backed Gull
North Bull Island SPA (4006)	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	c. 33 km to the northeast of the site.	To maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

8.3. Assessment of Likely Significant Effects.

- 8.3.1. With regard to direct impacts, the application site is not located within or adjacent to any SAC or SPA therefore there is no risk of habitat loss, fragmentation or any other direct impacts on a Natura 2000 site. I am satisfied having regard to the nature and scale of the proposed development of 39 units, and the separation distances between European sites, that no appropriate assessment issues arise in relation to the European sites listed above.
- 8.3.2. Due to the distances involved, any potential indirect impacts on European Sites from the development would be restricted to the discharge of surface or foul water from the site. I note the proposed drainage system discharging to the River Liffey ultimately drains into Dublin Bay. The installation of surface water attenuation and SuDS systems will ensure that there will be no negative impact on water quality or quantity arising from the change in land use from agricultural to residential. I note the proposed SuDS system is a standard system incorporated in all new developments and it is not included specifically to avoid or reduce an impact on a European site. With regard to hydrological pathways via wastewater, I note that water flows to Dublin Bay via the Osberstown Wastewater Treatment Plant and the River Liffey. The Osberstown Plant is licenced to discharge treated effluent to the River Liffey under (EPA Waste Discharge Authorisation Licence No. D0002-01). I consider having regard to the significant distance of over 30 kilometres between the subject site and the European sites identified that the proposal will not impact on any of the qualifying interests associated with the Natura 2000 sites in Dublin Bay. While Otter, Atlantic Salmon and Lamprey species are known to be present along the River Liffey, they are no Natura 2000 sites designated for these species within the zone of influence of the project. Nonetheless, I consider proposed connections to the public infrastructure and the proposed treatment of surface water as detailed above will prevent any potential significant negative impact on water quality in the River Liffey.
- 8.3.3. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.3.4. This determination is based on:

- the nature and scale of the development of 39 dwellings,
- the provision of water services to the development,
- the considerable distance from the European sites in Dublin Bay, to which there is a hydrological connection, and the distance to, and lack of hydrological connection to, any other European site.

9.0 Recommendation

I recommend that permission for this development be refused for the reasons and considerations below.

10.0 Reasons and Considerations

The aim of the Core Strategy of Kildare County Development Plan 2023-29 is to provide for the delivery of an additional 9,144 housing units by the end of the plan period, with a target of 219 housing units (2.4% of the total increase) to be delivered in Clane during the period of the plan, with a target residential density of 35-40 units per hectare for Clane. It is an objective of the Development Plan (CS O1) that future growth and spatial development is in accordance with the population and housing allocations contained in the Core Strategy. The Core Strategy has been adopted to comply with the National Planning Framework and the Regional Spatial Economic Strategy and implement their aims, and as such this objective is reasonable and necessary.

Permission has been granted for 283 housing units since the adoption of the core strategy less than two years ago. This exceeds the target of 219 units set out for the six-year period. Given the number of housing units permitted in Clane since the adoption of the Core Strategy, the proposed development would materially contravene the core strategy of Kildare County Development Plan, would contravene Policy CS O1 of Kildare County Development Plan 2023-2029 and would be a material contravention of the Development Plan, and would be contrary to the proper planning and sustainable development of the area.

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.

Natalie de Róiste
Planning Inspector

10 January 2025

Appendix 1 - Form 1 - EIA Pre-Screening

ABP Case Reference		ABP-317695-24	
Proposed Development		39 dwellings plus all associated development works	
Development Address		Capdoo, Clane, Co. Kildare	
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	<input checked="" type="checkbox"/>
		No	<input type="checkbox"/>
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	<input checked="" type="checkbox"/>	Class 10(b)(i) Construction of more than 500 dwelling units Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area, and 20 hectares elsewhere	Proceed to Q3.
No	<input type="checkbox"/>		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>	Relevant thresholds are 500 dwelling units and 10 hectares	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	<input checked="" type="checkbox"/>	39 units < 500 units 1.7 hectares < 10 hectares	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	<input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes	<input type="checkbox"/>	Screening Determination required	

Inspector: _____

Date: _____

Form 2 - EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 317695-23
Proposed Development Summary	39 dwellings plus all associated development works
Development Address	Capdoo, Clane, Co. Kildare
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development is 39 residential units adjacent to existing residential development. It forms part of a larger planned development, with this application referred to as Phase 1A. Phase 2 (34 apartments) has been constructed, while Phase 3 (55 houses and 4 maisonettes) has been permitted and is under construction. Phase 1B to the south of the site is the subject of a live application for 51 units. An SHD application for 333 residential units over a 10-hectare site was remitted to the Board – this was accompanied by an EIAR and will be the subject of EIA.</p> <p>The construction waste management plan states that soil and stones excavated on the site will be reused within the site, and construction and demolition waste will be removed and disposed of by a licenced contractor.</p> <p>The operational phase would not give rise to waste, emissions or pollutants that differ from other housing in the area.</p>
Location of development	The site is c. 200 metres from the River Liffey, which is a

<p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>hydrological connection between the site and a number of Natura 2000 sites downstream in Dublin Bay over 30 kilometres away. Any issues arising from this can be adequately dealt with under the Habitats Directive.</p>
<p>Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>An Ecological Impact Statement submitted notes local impacts on bats, badgers and birds. A separate evaluation of potential bat roost sites and badger setts and feeding and commuting impacts found one badger sett adjacent to the site, and bat roost potential on site (with roosts clearly on adjacent sites), with numerous species of bats feeding or commuting within the site. Mitigation measures include temporary closure of, and protection of, the badger sett, bat-appropriate lighting, moth-attracting landscaping, and timing of any tree felling. After mitigation, impacts will be slight, long term, and negative, due to change of land use from agricultural to residential. There is no likelihood of significant effects, including cumulative effects with other permitted and existing developments in the area.</p>
<p style="text-align: center;">Conclusion</p>	
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2: Extracts from Development Plan

Hierarchy	Description	Locations
Key Towns	Large towns which are economically active that provide employment for their surrounding areas. High quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.	Naas Maynooth
Self-Sustaining Growth Towns	Moderate level of jobs and services.	Newbridge Leixlip Kildare Town Athy
Self-Sustaining Towns	High levels of population growth and a weak employment base.	Celbridge Kilcock Monasterevin Clane
Towns	Local service and employment functions in close proximity to higher order urban areas.	Castledermot Derrinturn Kilcullen Kill Prosperous Rathangan Sallins

Table 2.7 - Settlement Hierarchy and Typology County Kildare

Table 2.8 – Core Strategy Table

Settlement Type ^a	Settlement Name	Census 2016 Population	Settlements percentage per total County population	2021 Population Estimate (based on % growth from 2011-2016) ^a	Housing & Population Target %	Population Target 2023 to 2028 (end of Q4) (persons)	Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs	Residential Zoned Land Requirement (ha)	Target Residential Density (UPH)
County	Kildare	222,504		235387		260533	9144		
Key Town	Naas	21,393	9.60%	22632	14.9%	3747	1362	40	35-50
	Maynooth (MASP)	14,585	6.60%	15429	10.90%	2741	997 ¹⁰		35-50
Self-Sustaining Growth Towns	Newbridge	22,742	10.20%	24059	11.60%	2917	1061	35	35-50
	Leixlip	15,504	7%	16402	10.20%	2565	933	31	35-50
	Kildare Town	8,634	3.90%	9134	4.70%	1182	430	14	35-40
	Athy	9,677	4.30%	10237	4.80%	1207	439	15	35-40
Self-Sustaining Towns	Celbridge	20,288	9.10%	21463	10.00%	2515	914	30	35-40
	Kilcock	6,093	2.70%	6446	4.00%	1006	366	12	35-40
	Monasterevin	4,246	1.90%	4492	2.60%	654	238	8	35-40
	Clane	7,280	3.27%	7702	2.40%	604	219	7	35-40
Towns	Sallins	5,849	2.62%	6188	1.90%	478	174	6	35-40
	Kilcullen	3,710	1.70%	3925	2.50%	629	229	8	35-40
	Kill	3,348	1.50%	3542	1.30%	327	119	4	35-40
	Prosperous	2,333	1.04%	2468	1.00%	251	91	3	30-35
	Rathangan	2,611	1.20%	2762	0.90%	226	82	3	30-35
	Castledermot	1,475	0.70%	1560	0.50%	126	46	2	30-35
	Derrinturn	1,602	0.70%	1695	0.60%	151	55	2	30-35

^a Objective V GO 4 (Volume 2) is to generally control the scale of individual development proposals to 10-15% of the existing housing stock of any village or rural settlement over the lifetime of the Plan in accordance with the Sustainable Residential Development in Urban Areas Guidelines (2009). Furthermore, Objective V GO 9 (Volume 2) is to restrict growth in a village/rural settlement where necessary physical and social infrastructure cannot be delivered. In the absence of the necessary physical or social infrastructure, the projected growth for that development centre may be allocated to other serviced settlements within the same Municipal District or adjoining Municipal District or to serviced towns within the upper range of the settlement hierarchy.

^a The 2021 population estimate is a holding figure and is used as a guide only until a detailed 2022 county profile is published by the Central Statistics Office (CSO). Preliminary Census 2022 data was published by the CSO on 23rd June 2022 which indicates that County Kildare has a population of 246,977 persons in 2022. Detailed CSO data for the settlements and population analysis for the County will not be published until 2023. As Local Area Plans are prepared during the lifetime of this County Development Plan, the Census 2022 figure will be used as the population baseline from which projected population growth will be calculated for each individual LAP town, where available. Any LAP prepared before the publication of the Census 2022 Small Area Population Statistics (SAPS) will require an updated population estimate to be prepared for the Draft LAP (to be based on factors including the quantum of residential units built since Census 2016), which will differ from that shown in the '2021 Population Estimate' column in this table.

¹⁰ Additional population allocation for Maynooth of up to 10,000 persons from redistribution of NPF City and Suburbs allocation (EMRA, July 2020). The precise allocation that will be attributed to Maynooth however will be determined at LAP stage on foot of detailed assessments and audits of available social and physical infrastructure.

Settlement Type ^a	Settlement Name	Census 2016 Population	Settlements percentage per total County population	2021 Population Estimate (based on % growth from 2011-2016) ^a	Housing & Population Target %	Population Target 2023 to 2028 (end of Q4) (persons)	Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs	Residential Zoned Land Requirement (ha)	Target Residential Density (UPH)
Villages	Athgarvan (1176), Allenwood (981), Ballitore (793), Ballymore Eustace (873), Caragh (966), Coill Dubh (746), Coolearagh (377), Crookstown (105), Johnstown (1,005), Johnstownbridge (683), Kildangan (317), Kilmeague (1082), Moone (127), Narraghmore (378), Robertstown (707), Straffan (853), Suncroft (746), Timolin (136)	9,984	4.80%	10562	4.70%	1006	366		
Rural Settlement ¹¹	Allen (94), Ardclough (220), Ballyshannon (111), Brannockstown (217), Broadford (50), Brownstown (883), Calverstown (699), Clogherinkoe (196), Cutbush (278), Kilberry (400), Kilkea (105), Kilmead (309), Kilteel (214), Lackagh/ Mountrice (99), Maganey/ Levitstown (88), Milltown (344), Nurney (456), Rathcoffey (271), Staplestown (116), Two Mile House (460)	3,310	1.40%	3502	1.50%	377	137		
Rural Dwellers ¹²			25%		8%	2012	732		
Blessington Environs					1%	251	91		
Population Growth						25146			
Total		222504		235387		260533	9144		

¹¹ Not all Rural Settlements are captured under CSO Census and therefore are not independently verified.

¹² The figure included for "Rural Dwellers" is an estimate and is not a verified population from Census 2016. It should be noted that areas within or in the environs of designated towns and settlements may be 'rural' houses however are included in the small area population for that settlement as a consequence of the Small Area Population Statistics boundaries.