



An
Bord
Pleanála

Inspector's Report

ABP-317923-23

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| Development | Construction of 237 residential units (167 houses and 70 apartments), and all associated site works. |
| Location | Leixlip Demesne, Leixlip, Co. Kildare. |
| Planning Authority | Kildare County Council |
| Planning Authority Reg. Ref. | 23513 |
| Applicant(s) | Glenveagh Homes Limited |
| Type of Application | Large-scale Residential Development |
| Planning Authority Decision | Grant permission subject to conditions |
| Type of Appeal | Third Party |
| Appellant(s) | Patrick Lynch |
| Observer(s) | None |
| Date of Site Inspection | 9th November 2023 |
| Inspector | Phillippa Joyce |

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Leixlip Demesne, approximately 0.5km southwest of Leixlip town centre. The site is a triangular configuration, indicated as measuring c.14.3ha, and occupies a large portion of undeveloped lands in the southern part of the town.
- 1.2. The site comprises a series of agricultural fields which were originally part of the demesne of Leixlip Castle, a privately-owned heritage property of national importance which is open to the public. Leixlip Castle is located c.375m to the east of the site, and its attendant grounds are separated from the site by a mature belt of trees, between c.40m-100m deep. There is no direct access to the site from the Leixlip Castle demesne.
- 1.3. The site is bound to the north by established residential areas, Leixlip Park and Wogansfield, to the east by the grounds of Leixlip Castle, and to the south by the M4 motorway. The western corner of the site is bound by the regional road R404 (Celbridge Road) and a single storey 19th century dwelling with an adjacent mature tree stand (for clarity, while this structure is referred to as the 'gatehouse' in some case documentation, it is not understood to be an original gate lodge serving Leixlip Castle).
- 1.4. Some of the site boundaries are associated with the Leixlip Castle demesne, including parts of the demesne stonewall (southwestern, western, northern, northeastern boundary) and mature treelines and tree stands. Similarly, field boundaries within the site comprise mature trees, hedgerows, and historic agricultural gateways. The eastern site boundary does not follow a wall or natural field boundary, instead centrally traversing two fields along a north-south alignment.
- 1.5. The site's topography is notable as the central/ northern lands comprise infill material associated with the construction of the M4 motorway dating from the early 1990s. The northern portion of the site adjacent to the boundary with Leixlip Park is the highest part of the site with levels at 58mOD. Ground levels slope in northeasterly and southerly directions towards Leixlip Castle (50mOD) and the M4 motorway (54mOD) respectively. Within the southern portion of the site, running parallel to the M4 motorway are two ESB power lines (20kV and 38kV).

- 1.6. Access is gained to the site from Celbridge Road via an entrance gate in the demesne stonewall, located to the southwest of the C19th dwelling. Opposite this entrance, is a signalised junction serving the recently constructed Barnhall Meadows residential estate. Along Celbridge Road, there are near-continuous footpaths from the site entrance towards Leixlip town, and bus stops are located within c.200m.
- 1.7. The site is proximate to two watercourses which merge in Leixlip village. The River Liffey flows c.320m to the east of the site and its tributary, the River Rye Water flows c.350m to the northeast. Field boundaries within the site which contain drainage ditches are indicated as discharging to the River Rye Water, while stormwater to ground discharges to the River Liffey.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 237 residential units of two and three storeys in height (167 houses and 70 duplex apartments (i.e. own-door apartments (varying building heights) over two levels)), a two-storey childcare facility, and a series of public and communal open spaces, all arranged within two-character areas.
- 2.2. The proposal includes for vehicular, cyclist and pedestrian access/ egress and associated internal circulation routes, 303 car and 355 bicycle parking spaces, bicycle and bin storage, substations, undergrounding and diversion of the existing 20kV and 38kV overhead power lines, boundary treatments (including gates, piers, railings, walls and openings to the former demesne wall), hard and soft landscaping, site servicing, and all other site development works (including the relocation of artificially raised ground to create an enlarged berm to the southern boundary of the site along the M4 motorway) and several SuDS measures (including nature based systems (constructed wetlands, retention pond, swales, rain gardens)).
- 2.3. The following tables present a summary of the principal characteristics, features, and floor areas of the components of the proposed scheme. These are extrapolated from the application form, plans and particulars with the appeal, and where there have been discrepancies and/ or conflicts in written documents, I have relied on the relevant plan(s) and aligning document.

Table 1: Key Statistics

| | |
|---|--|
| Site Area | 14.34ha (gross area) 5.92ha (net developable area, exclusive of open spaces, civil works) |
| Floor Areas (gross floor spaces) | Total Floor Area = 23,879sqm Residential= 23,601sqm Childcare facility= 278sqm |
| Residential component | 237 residential units 167 houses (70% of the scheme) (House Types B-G, Character Areas 1 and 2, c.25 variations) 70 duplex apartments (30% of the scheme) (Block Types A-F) |
| Net Density | 40dph |
| Building Height | Houses: 2 storeys (all house types except Type B) and 3 storeys (Type B) Duplex apartments: 2 storeys (Block B) and 3 storeys (all other block types) |
| Aspect (Duplex Apartments) | Dual Aspect: 70 (100%) |
| Open Space | Public: 7.71ha Communal: 570sqm Private: gardens and balconies/ terraces of various sqm |
| Part V provision | Total:50 units 15 houses (Types D, D1, E, and E1) 35 duplex apartments (10 Types in Blocks B, C, E, and F) |
| Car Parking | Total: 303 spaces Residential: 167 spaces (houses) and 93 spaces (duplex apartments) Childcare facility: 12 spaces Visitor (residential and strategic amenity area): 31 spaces |
| Bicycle Parking | Total: 355 spaces (stands/ stores) (houses have in-curtilage spaces) Residential: 178 spaces (duplex apartments) Childcare facility: 17 spaces Visitor (residential and strategic amenity area): 160 spaces |

Table 2: Summary of Residential Unit Mix

| Houses (167 houses, 70% of the scheme) | | | | |
|--|--------------|--------------|--------------|--------------|
| Unit Type | 2 bed | 3 bed | 4 bed | Total |
| Total | 30 | 126 | 11 | 167 |
| % of Total | 18% | 75% | 7% | 100% |
| Duplex Apartments (70 units, 30% of the scheme) | | | | |
| Unit Type | 1 bed | 2 bed | 3 bed | Total |
| Total | 20 | 28 | 22 | 70 |
| % of Total | 29% | 40% | 31% | 100% |
| Overall Unit Mix as % of Total | | | | |
| 1 bed | 2 bed | 3 bed | 4 bed | Total |
| 20 | 58 | 148 | 11 | 237 |
| 8% | 25% | 62% | 5% | 100% |

2.4. The application includes a range of architectural, engineering, and landscaping drawings, and is accompanied by the following reports and documentation:

- Statement of Response to LRD Opinion,
- Planning Report and Statement of Consistency,
- Architectural Design Statement,
- Housing Quality Assessment (HQA),
- Building Lifecycle Report,
- Environmental Impact Assessment Report (EIAR) Volume I: Non-Technical Summary,
- EIAR Volume II: Main Body,
- EIAR Volume III: Appendices,
- Architectural Heritage Impact Assessment,
- Existing Boundary Wall Condition Report,

- Social Infrastructure Audit,
- Childcare Demand Report,
- Daylight and Sunlight Assessment Report,
- Solar Photovoltaic Glint and Glare Study,
- Energy Analysis Report,
- Mechanical and Electrical Utilities Report,
- Transport Assessment,
- DMURS Statement of Consistency,
- Stage 1/ 2 Road Safety Audit (and Designer's Response),
- Mobility Management Plan,
- Site Specific Flood Risk Assessment (SSFRA),
- Infrastructure Design Report,
- Construction Management Plan (CMP),
- Operational Waste Management Plan,
- Appropriate Assessment Screening Report (AASR),
- Landscape Design Statement,
- Verified Photomontages and CGIs,
- Arboricultural Report,
- Site Lighting Report, and
- Letters of consent from Ms. P. Guinness and Kildare County Council consenting to the inclusion of the lands under their control within the application site.

3.0 Planning Authority Opinion

- 3.1. A pre-application LRD meeting under section 32C of the Planning and Development Act 2000, as amended (2000 Act) took place on 14th December 2022 between the applicant and the planning authority regarding the proposed development.

- 3.2. The planning authority issued its LRD Opinion on 19th January 2023. The Opinion indicates that the documentation submitted under section 32B of the 2000 Act as part of the pre-application meeting would constitute a reasonable basis for an application for permission for the proposed LRD.
- 3.3. Pursuant to article 16A of the Planning and Development Regulations 2001, as amended (2001 Regulations), the applicant was notified that in addition to the requirements of section 32D of the 2000 Act, as specified in article 23 of the 2001 Regulations the following information should be submitted with any application for permission (in summary):
1. Design and layout,
 2. Wastewater,
 3. Traffic and transportation,
 4. Environmental issues,
 5. Open space and biodiversity,
 6. Conservation and archaeology, and
 7. Part V housing.
- 3.4. The application includes a Statement of Response from the applicant on the LRD Opinion which includes specific responses to the points of information requested by the planning authority. For the Board's information, a record of the pre-application meeting is included as an appendix in the applicant's Statement of Response.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. The planning authority granted permission for the proposed development on 4th August 2023 subject to 67 conditions.
- 4.1.2. The majority of the conditions are standard in nature (construction, operation, procedural, and financial), and those of note and/ or specific to the proposal include the following:

Condition 4: Two staged phased construction, with creche to be fully operational prior to occupation of dwelling units.

Condition 5: Prior to commencement agreement on creche signage.

Condition 6: Compliance with mitigation and monitoring measures in the EIAR.

Condition 10 (part): Services of a Landscape Architect to be retained for the duration of the construction works, with a completion certificate to issue.

Condition 12 (part): Services of an Arboricultural Consultant to be retained for the duration of the construction works, with a completion certificate to issue.

Condition 15: Prior to commencement agreement on details of crossing points/ bridges over swales/ ponds/ wetlands in the public open space.

Condition 16: Prior to commencement agreement on revised southern boundary, not to conflict with the existing vegetation to be retained.

Condition 17: Prior to commencement agreement on revised details for several play areas.

Condition 19: Prior to commencement services of Ecological Clerk of Works to be retained, with completion reports for various stages.

Condition 20: Prior to commencement preconstruction bat and badger survey.

Condition 24: Prior to commencement construction safety risk assessment of ponds/ wetlands undertaken with confirmation of mitigation measures satisfactorily undertaken.

Condition 31: Prior to commencement payment of section 48(2)(c) contribution of €150,000 for the provision of an 80m section of footpath along the R404.

Condition 32: Prior to commencement agreement on the design of foot/ cycle path link from the proposed development to Leixlip Park, costs to be borne by the developer, and link to operational by occupation of dwelling units.

Condition 34: Prior to commencement agreement on the design of the signalised junction from the proposed development to the R404.

Condition 39: Measures in the Mobility Management Plan to be fully implemented.

Condition 42: Construction access to be via the Celbridge Road to the M4 only.

Condition 47: outdoor public lighting scheme to be provided in accordance with standards and implemented prior to occupation.

Condition 58: Creche operational noise subject to limits and time restrictions.

Condition 61: Prior to commencement agreement on construction phase surface water management plan in accordance with IFI publication.

4.2. Planning Authority Reports

4.2.1. Planning Reports

Planner's Report (Initial)

The key items of note from the planner's assessment of the proposed development can be summarised as follows:

- Outlines national and local policy context applicable for the assessment of the proposed development.
- Provisions of the Leixlip Local Area Plan 2020-2026, as extended, are applicable to the site including being zoned as 'C' New Residential and 'F2' Strategic Open Space and part of the Celbridge Road East Key Development Area (KDA).
- Provides a 'Response and Assessment' to each of the responses given by the applicant in the Statement of Response to the LRD Opinion (see section 3.4 above with the seven headed items, each containing several sub-items).
- Undertakes quantitative assessment considering compliance with/ achievement of principle of development, settlement strategy, density, site coverage, residential mix, building heights, design and layout, development management standards, parking, part V provision, childcare facilities, access and permeability, water services, and social infrastructure audit. All are found to be acceptable except for the achievement of certain residential development management standards and the methodology used in the social infrastructure audit.
- Undertakes a qualitative assessment based on compliance with/ achievement of the 12 criteria included in the Urban Design Manual, all found to be acceptable.
- Undertakes an Environmental Impact Assessment of the proposed development, comments are provided on each chapter of the applicant's EIAR. CE Statement indicates EIAR has adequately described direct, indirect, cumulative effects, with measures to avoid, mitigate, and reduce environmental impacts, and that the planning authority has undertaken a thorough EIA of the proposal.

- Undertakes Appropriate Assessment screening, concludes proposed development will not adversely affect (directly or indirectly) the integrity of any European site.
- Requests Further Information (FI) on 5th July 2023 seeking a revised Housing Quality Assessment and correlating floor plans (addressing discrepancies and storage provision), and a revised Social Infrastructure Audit (focus on 10-15 minute walking catchment area).

Planner's Report (FI response)

- Assesses the applicant's response to the FI request, submitted on 12th July 2023, which is considered acceptable.
- Concludes proposed development accords with the provisions of the Leixlip Local Area Plan 2020-2023 (as extended) and Kildare County Development Plan 2023-2029.

4.2.2. Other Technical Reports

Transportation: No objection subject to conditions.

Water Services: No objection subject to conditions.

Environment: No objection subject to conditions.

Heritage Officer: No objection subject to conditions.

Conservation Officer: Recommends permission be refused.

Parks: No objection subject to conditions

Chief Fire Officer: No objection subject to conditions.

Housing: Confirmation of engagement with the applicant on Part V provision.

4.3. **Prescribed Bodies**

Uisce Eireann: No report received (Confirmations of Feasibility for water supply and wastewater treatment included in the application).

Transport Infrastructure Ireland: no objection subject to requirements (proposal undertaken in accordance with the Transport Assessment, no right to future claims).

4.4. **Third Party Observations**

- 4.4.1. The planning authority indicates that three submissions were received from third party observers during the assessment of the application. Issues raised in the third party submissions continue to form the basis of the appeal (impact on Leixlip Castle demesne, quantum of public open space, excessive density), which are outlined in detail in Section 7.0 below.
- 4.4.2. Other issues raised included linkages and connections to Leixlip village, excessive traffic in local road network, impacts of construction activity, and demand on and availability of services and facilities in the Leixlip area.

5.0 Planning History

Appeal Site:

No planning history.

Adjacent Site to West:

ABP 300606-18 (SHD application)

Permission granted to Ardstone Homes Limited on 13th April 2018 for 450 no. residential units (350 no. houses, 100 no. apartments), childcare facility, new roundabout on the Celbridge Road (R404) and all associated site and development works, at Barnhall, Leixlip, Co. Kildare.

This permission has been implemented and named Barnhall Meadows.

Lands to the West:

ABP 307223-20 (SHD application)

Permission granted to ES Leixlip Greenfields Limited on 10th September 2020 for the demolition of existing buildings, construction of 239 no. residential units (136 no. houses, 103 no. apartments), creche and associated site works, at Leixlip Gate, Leixlip, Co. Kildare.

This permission has commenced implementation and is named Harpur Lane.

6.0 Policy Context

6.1. Having regard to the nature of the proposed development, the receiving environment, the range of information on the case file, including submissions received from the third parties, prescribed bodies, and planning authority, I consider the policy and guidance relevant to the determination of the appeal to be as follows:

6.2. National Planning Context

National Planning Framework, Project Ireland 2040 (NPF)

6.2.1. A number of overarching national policy objectives are relevant to the proposed development from the NPF, including:

- NPO 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns, and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Planning Guidelines

6.2.2. Several national planning guidelines are of relevance to the proposed development (in particular those with requiring standards for residential development, and increased densities for residential development at certain types of locations). The relevant guidelines include the following (my abbreviation in brackets):

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009).
 - Section 4.18 requires consideration of qualitative standards for public open space in design, accessibility, variety, shared use, biodiversity, and SuDS.
 - Section 5.4 states increased densities are required to be encouraged on residentially zoned lands, particularly those located on public transport corridors (minimum density is indicated as 50dph), and in outer suburban/ greenfield sites (density range of 35-50dph).
- Urban Development and Building Heights, Guidelines for Planning Authorities, December 2018 (Building Height Guidelines).
 - Section 1.9 requires that building heights of at least 3 to 4 storeys, coupled with appropriate density, in locations outside town centre areas including suburban areas, be supported in principle at development management level.
 - SPPR 4 requires:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/ town locations for housing purposes, planning authorities must secure:

 - 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;*
 - 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
 - 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, July 2023 (Apartment Guidelines).
Applicable policy for the proposed development includes:
 - Section 2.4 identifies intermediate urban locations as being suitable for medium-high density residential development of any scale that includes apartments to some extent (minimum density is indicated as 45dph).
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2011 (Architectural Heritage Guidelines).
- Design Manual for Urban Roads and Streets, 2013, updated 2019 (DMURS).
- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines).
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009 (Flood Risk Guidelines).
- Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023 (Commercial Institutional Investment Guidelines).

6.3. Regional Planning Context

Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)

- 6.3.1. The RSES provides a development framework for the Mid-East Region within which Leixlip is located. Reiterating NPF population projections, the RSES indicates a maximum population increase for the region up to 2031 of c.124,500 persons (extrapolated from Table 4.1). Chapter 4 People and Places of the RSES includes a settlement hierarchy with different urban typologies. The lower order urban centres are required to be defined in applicable development plans.
- 6.3.2. The settlement hierarchy includes the category of Self-Sustaining Growth Town, which Leixlip is defined as in Kildare County Development Plan 2023-2029. Accordingly, RSES settlement strategy policy applicable to the proposed development includes:

- Table 4.2 Settlement Hierarchy defines categories of urban centres including that of ‘Self-Sustaining Growth Town’, with which Leixlip aligns as towns with a moderate level of jobs and services, good transport links and capacity for continued commensurate growth to become more self-sustaining.
- Table 4.3 Settlement Typologies and Policy Responses states the policy response for Self-Sustaining Growth Towns is for consolidation coupled with targeted investment where required to improve local employment, services and sustainable transport options and to become more self-sustaining settlements.
- Section 4.7 identifies that Self-Sustaining Growth Towns in the Dublin Metropolitan Area, such as Leixlip, have potential for increased residential densities at high quality public transport hubs and can accommodate average or above average growth to provide for natural increase, service and/ or employment growth where appropriate.

6.4. Local Planning Context

- 6.4.1. Of direct relevance to the assessment of the proposed development are the Kildare County Development Plan 2023-2029 (CDP) and the Leixlip Local Area Plan 2020-2023, as extended to 2026 (LAP). The applicable planning policy for the appeal from both are outlined below.

Kildare County Development Plan 2023-2029

- 6.4.2. The key CDP policy and objectives included in Chapter 2: Core Strategy and Settlement Strategy are policy in section 2.9 on target residential density, allocations in Table 2.8 Core Strategy, and Objective CS 01 as follows:

Section 2.9 Target Residential Density

Indicates that while Table 2.8 contains residential density targets for new developments, for the purposes of calculating housing units for each settlement, the lower of each of the ranges was used.

The section acknowledges that *‘many development sites...may achieve closer to the higher end of the identified ranges’* and that *‘[e]very effort will be made...to increase the quantum of housing delivered on each development site...while at the same time ensuring that the quality of the housing to be delivered is not compromised and*

consideration given to the capacity and character of the receiving environment to absorb new developments’.

Extract from Table 2.8 Core Strategy for Leixlip until the end of the Plan period

| 2016 Census Population | 2021 population estimate | Housing & population target | Population target Q4 2028 | Housing target Q4 2028 | Residential zoned land | Target residential density |
|-------------------------------|---------------------------------|--|----------------------------------|-------------------------------|-------------------------------|-----------------------------------|
| 15,504 | 16,402 | 10.2% | 2,565 | 933 | 31 ha | 35-50 dph |

Objective CS 01

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 which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the ‘Housing Supply Target Methodology for Development Planning’.

- 6.4.3. The key CDP objectives included in Chapter 11: Built and Cultural Heritage are Objectives AH O46, AH O51, and AH O52 as follows:

Objective AH O46

Encourage conservation, renewal and improvement which enhances the character and the setting of parks, gardens, and demesnes of historic interest within the county.

Objective AH O51

Require that planning applications take into consideration the impacts of the development on their landscapes and demonstrate that the development proposal has been designed to take account of the heritage resource of the landscape.

Objective AH O52

Designate and protect historic landscape areas including demesnes and ensure that new development enhances the special character and visual setting of these historic landscapes and to prevent development that would have a negative impact on the character of the lands within these historic landscape areas.

- 6.4.4. The key CDP policy and objective included in Chapter 12: Biodiversity and Green Infrastructure are Policy BI P15 and Objective BI O76 as follows:

Policy BI P15

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

Objective BI O76

Promote and support the development of Sustainable Urban Drainage Systems (SuDS) such as integrated constructed wetlands, permeable surfaces, filter strips, ponds, swales and basins at a site, district, and county level and to maximise the amenity and bio-diversity value of these systems.

- 6.4.5. The key CDP standards included in Chapter 15: Development Management Standards are 15.6.6 as follows:

15.5.1 Social Infrastructure Audit

...Social Infrastructure Audits (SIAs) shall include current provisions in relation to childcare, education, health, community, sporting, open space, and recreational facilities in the vicinity (e.g., within a 10-15 minute walk) of the proposed development...

15.6.6 Public Open Space for Residential Development

Open space shall be provided within the development site as follows:

- *On greenfield sites, the minimum area of open space that is acceptable within the site is 15% of the total site area. This may include Natural / Semi-Natural Green Spaces incorporating the planting of native species and pollinator friendly areas which enhance biodiversity up to a maximum of 8%...*
- *Each application shall also have regard to the qualitative standards outlined in Section 4.18 of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, (2009).*

Leixlip Local Area Plan 2020-2023, as extended to 2026

- 6.4.6. The Leixlip LAP, which predates the current Kildare CDP, has been extended until March 2026. The LAP defines the development boundary for the town, contains the

land use zoning objectives (Table 13.1), land use zoning objectives map (Map 4), and land use matrix (Table 13.3).

6.4.7. The LAP identifies Key Development Areas (KDAs), including the Celbridge Road East KDA (Fig 12.2) which includes the majority of the appeal site.

6.4.8. The following are the main LAP map-based designations for the appeal site:

- The land use zoning objective map (Map 4) indicates four zoning objectives apply to the site as follows:
 - C – New Residential: *‘To provide for new residential development’*.
 - F – Open Space and Amenity: *‘To protect and provide for open space, amenity and recreation provision’*.
 - F2 – Strategic Open Space: *‘To preserve, provide for and improve recreational amenity, open space and green infrastructure networks’*.
 - I – Agricultural: *‘To retain and protect agricultural uses’*.
- The built heritage and archaeology map (Map 2) indicates that the site does not contain and is not directly adjacent to any:
 - archaeological monuments.
 - protected structures.
 - architectural conservation areas.
 - nature conservation designations.
 - protected views.
- The same map (Map 2) indicates that the site is in close proximity to:
 - Leixlip Castle (RMP KD011-004002, RPS B11-52) c.375m to the east.
 - Associated demesne walls (B11-58), outbuilding (B11-57), and garden structure (B11-66) c.245m-275m to the east.
 - Leixlip historic town Zone of Archaeological Potential (KD011-004001) c.355m to the northeast (closest boundary, inclusive of several archaeological monuments).

- Leixlip Architectural Conservation Area c.265m to the east (closest boundary, inclusive of several protected structures).
- Protected View from Leixlip Bridge, c.670 to the east.
- The transport map (Map 1) indicates there are two strategic pedestrian/ cycle routes through/ around the perimeter of the site.
- The flood risk map (Map 5) indicates the site is not located within or adjacent to a flood plain/ zone.
- The open space map (Map 6) indicates the extent of zonings F and F2 (open space related zonings) at and adjacent to the site.

6.4.9. The LAP contains a land use zoning matrix (Table 13.3), to be read in conjunction with the definition of terms (Table 13.2). The key issues arising from the matrix and definition of terms include:

- 'Dwelling' is listed as the land use commensurate with residential development.
- 'Creche' is listed as a land use.
- The land uses of dwelling and creche are 'permitted in principle' under zoning C, and 'not permitted' under zonings F and F2.
- A land use indicated as not permitted 'will not be permitted' (i.e., there are no caveats, exceptions, or flexibility).
- Surface water drainage infrastructure is not listed as a use class.
- Land uses not listed in the matrix will be considered on the merits of the application, with reference made to the most appropriate use of a similar nature and to the general policies and zoning objectives for the area.
- 'Utility Structure' is listed, though not described.
- Utility structure is an 'open for consideration use' under the F2 zoning.
- A land use indicated as open for consideration may be acceptable if it does 'not conflict with the general objectives for the zone and the permitted or existing uses'.

6.4.10. The key LAP policy and objectives include the following:

- Chapter 4: Compliance with the Core Strategy
 - For Phase 1 development in the town, the LAP identifies c.30.4 hectares for new residential zoned land in Key Development Areas (KDAs).
 - Table 4.1 Residential Unit Assessment (extract)

| Location of Development | Undeveloped Residential Land | Estimated Residential Capacity | Density Range* |
|----------------------------|------------------------------|--------------------------------|----------------|
| Celbridge Road East KDA | 8ha | 280 dwelling units | 35dph |

**Figures stated represent an estimate only. The density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities.*

- Section 4.3 states that the planning authority will monitor the number of residential units permitted and developed on an annual basis to ensure continued compliance with the Core Strategy.

Policy CS1 Core Strategy

It is the policy of the Council to support the sustainable long term growth of Leixlip in accordance with the Core Strategy of the Kildare County Development Plan 2017-2023 (or any variation of same), the provisions of the National Planning Framework 2018 and the Regional Spatial and Economic Strategy.

- Chapter 7: Housing and Community

Policy HC2 Residential Density, Mix and Design

It is the policy of the Council to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

- Chapter 10: Built Heritage and Archaeology

Policy BH1 Protected Structures

It is the policy of the Council to preserve and enhance the buildings identified on the Record of Protected Structures and to carefully consider any proposals for development that would affect the special value of such structures, including their historic curtilage, both directly and indirectly.

Policy BH2 Architectural Conservation Area

It is the policy of the Council to preserve and enhance the historic character and visual setting of the Leixlip Architectural Conservation Area and to carefully consider any proposals for development that would affect the special value of the area.

- Chapter 11: Natural Heritage, Green Infrastructure and Strategic Open Space
 - Section 11.3 indicates that c.154ha of land in the LAP is zoned for open space and amenity purposes.
 - Table 11.1 outlines the provision for new green corridors and/ or natural/ semi natural open space areas in the LAP, including 8.42ha in the Celbridge Road East KDA.

Policy OS1 Open Space

It is the policy of the Council to provide for a hierarchy of high quality multi-functional public open spaces within Leixlip, and to preserve and protect such spaces through the appropriate zoning of lands.

- Chapter 12: Key Development Areas
 - Section 12.3 outlines the development strategy for Celbridge Road East KDA, which comprises the majority of the site, and includes the following key provisions:

Connectivity/ Movement

- *Vehicular access to the Key Development Area (KDA) will be via a new signalised junction and single access point on the Celbridge Road.*
- *The development of this KDA shall seek to provide for increased permeability and connectivity to Leixlip Town Centre....*

Built Form

- *Create a legible development with a sense of place which understands the cultural heritage of the surrounding area.*
- *Where the quality of the design and layout is particularly high and it is determined that it would not impact unduly on the setting of the subject lands or adjoining established residential areas, higher densities may be achievable.*
- *Any proposed scheme shall incorporate appropriate increases in density and respect the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring users.*

- *This KDA will accommodate medium density residential development in the order of 35 units per hectare, subject to also minimising impact on Leixlip Castle.*

Landscape and Open Spaces

- *Opportunities occur to use the intrinsic landscape positively in the design of this KDA.*
- *Building layouts shall have regard to the protection of key views within the site and appropriate landscaping should minimise the visual impact of any new residential development.*
- *Emphasis should be placed on enhancing the landscape and heritage surrounding Leixlip Castle Demesne. In this regard the boundary of the KDA to the north comprising the demesne wall and mature trees/ vegetation shall become a feature of the KDA and be separated from any built form by an open space buffer zone.*
- *A portion of the site at the southern boundary is zoned F2: Strategic Open Space and should be designed positively, with clear definition and enclosure.*
- *The open space, the majority of which will be publicly accessible, shall provide a range of facilities and features offering recreational, ecological, landscape, cultural or green infrastructure benefits.*
- *The new parkland shall incorporate amenity walks with the potential to connect the site to Main Street via Leixlip Demesne...*
- *Retain natural heritage and green infrastructure features through incorporation into areas of open space and boundaries of residential development.*
- *A minimum of 15% quality open space within the residential lands identified shall be provided.*

6.5. Natural Heritage Designations

- 6.5.1. The appeal site is not located in or immediately adjacent to a European site, a Natural Heritage Area (NHA) or a proposed NHA (pNHA).
- 6.5.2. The European site designations of relevance to the site include (measured at closest proximity):
- Rye Water Valley/ Carton SAC (001398) is c.338m to the northeast.
 - South Dublin Bay and River Tolka SPA (004024) is c.17.7km to the east.
 - South Dublin Bay SAC (000210) is c.19km to the southeast.
 - North Dublin Bay SAC (000206) is c.21km to the east.
 - North Bull Island SPA (004006) is c.21km to the east.

- Rockabill to Dalkey Island SAC is c.27.2km to the east.

6.5.3. The natural heritage designations of relevance to the site include (measured at closest proximity):

- Rye Water Valley/ Carton pNHA (001398) is c.356m to the northeast.
- Liffey Valley pNHA (000128) is c.690m to the northeast.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. One third party appeal has been made on the proposed development. There are five main issues raised in the grounds of appeal that can be summarised as follows.

7.1.2. Material Contravention of the F2 Zoning

- In the Leixlip LAP 2017-2023 (as extended), the site has three zoning objectives, C, F, and F2.
- There is a distinct demarcation between the zonings which is indicated on the application Dwg. MCORM PL 06 Zoning Overlay.
- Creche car parking is sited within F2 zoned lands. As car parking is not a permitted use in the strategic open space zoning, this is a clear material contravention.
- Residential development (direct ancillary features) is sited within F2 zoned lands. As a dwelling is not a permitted use in the F2 zoning, it follows that no direct ancillary features should be within the zoning, and that the following are material conventions.
 - Ground floor terraces and front access pathways to ground floor units of Block D (extent is unclear/ misleading presentation (Dwg. PL 65)).
 - In Cell 4, front entrance pathways (House Types C1, F1, G), car parking (House Type G), and part of the home zone.
- Substantial surface water drainage works (pond, bioswale, wetlands, drains, pipes) are sited within F2 zoned lands which is a material contravention of the F2 zoning objective. If the site did not include the F2 zoned lands, the applicant would

be required to fit all works serving the residential development within the residentially zoned lands.

- The planning officer does not appear to have considered the issue of compliance with the land use zoning objectives at all in their decision.

7.1.3. Material Contravention of the Public Open Space Requirement

- In the Leixlip LAP, the site is located within the Celbridge Road East Key Development Area (KDA).
- The LAP (pg. 84) and Kildare CDP (section 15.6.6 Public Open Space for Residential Development) both require a minimum of 15% of a site development area be provided as quality open space.
- The open space provision (nine areas) is indicated on the application Dwg. PL 65 which states there is a combined quantum of 0.593ha.
- This provision is:
 - of 10% not 15% of the site,
 - the largest area is located within the F zoning objective so should be discounted as not in the residential zoning,
 - one of the areas is an area of car parking associated with Cell 8, and
 - the amenity value of the western most areas is highly questionable.
- As such, it follows the proposal materially contravenes the LAP and CDP public open space requirements.

7.1.4. Material Contravention of Density

- The Leixlip LAP indicates the site as having a development density of 35dph. As the proposed development has a density of 40dph, this is a clear material convention.
- Exceeding the density range for the lands by 14.2% could render the core strategy redundant.
- An indicated density of 35dph is suitable for the site as it minimises impact on Leixlip Castle.

- The excessive proposed density in the residential zoned lands causes negative impacts on Leixlip Castle (refers to the Conservation Officer refusal) and the inappropriate use of F2 zoned lands for surface water infrastructure.

7.1.5. Conservation Officer's Refusal Recommendation

- The Conservation Officer states the proposed development does not adequately respond to its setting, would negatively impact the character of the historic demesne, and would be contrary to AHO51, AHO46, and AHO52 of the Kildare CDP.
- Describes the planning officer's justification for not agreeing, which relies on the achievement of required design components (open space setting, retention of boundary wall), as being nonsense.
- Conservation Officer has raised valid heritage issues which have been rejected in the planning authority decision without sufficient justification.

7.1.6. Validity of Further Information Request

- Asks the Board to consider whether or not the planning authority was entitled to request further information in relation to the Housing Quality Assessment, revised floor plans, and the Social Infrastructure Audit.
- Cites the applicable legislation, states that the information was available at the time of the LRD Opinion and lodging the LRD application, and infers that without the information received by way of the FI request, the planning authority would have been obliged to refuse permission.

7.2. **Applicant Response**

7.2.1. The applicant has responded to the third party appeal, stating from the outset that the appeal is vexatious and should be dismissed. In the event of the Board deciding not to dismiss the appeal, the applicant provides responses to each of the five appeal grounds. The main issues raised, and responses given are as follows:

7.2.2. Vexatious Appeal

- The appeal should be dismissed by the Board as it is vexatious and falls within the scope of section 138 of the 2000 Act.

- P. Lynch, the sole appellant, either directly or with a partner D. Leavy, has overseen an orchestrated campaign against development proposals by the applicant since 2021 (17 objections and six appeals on developments across six counties).
- The basis of the appeal appears to be a variety of technical legal reasons, is part of a targeted attack on the applicant, and not the development per se.
- Requests the Board hold an oral hearing to confirm the identity of the appellant and why the appeal should not be dismissed under section 138 of the 2000 Act.

7.2.3. Material Contravention of the F2 Zoning

- Of the creche car parking:
 - spaces are in shared use with the strategic amenity area,
 - land use zoning designation at this location is 'transitional' in nature with the potential location of the creche being on F zoned lands,
 - the proposed shared car parking use and location is in substantial compliance with the transitional policy,
 - siting and design approach to parking has been arrived at in close consultation with the planning authority, and
 - applicant advised at pre-planning consultations the location was preferable and, once appropriately incorporated in the landscape design, acceptable.
- Of the residential development (Block D, and Cell 4):
 - All private areas (terraces, front entrances) pertaining to Block D are within C zoned lands.
 - Publicly accessible footpaths providing access to Block D ground floor units pertain to public lands (not the private curtilage) and are to be taken in charge by the local authority.
 - Therefore, the layout of Block D accords with the associated zoning objectives.
 - Applicant acknowledges encroachments of some residential elements in Cell 4 into F2 zoned lands, submitting these are minor in nature.

- Encroachments include private paving and boundary wall of House Type C1, private front garden/ parking space of House Type G, and public home zone kerb. All the private curtilage of House Type F1 is within C zoned lands.
- The first party response (Appendix 7) includes plans indicating minor revisions to the site layout of the proposed development to remove all encroachments from the F2 zoned lands.
- Of the surface water drainage infrastructure:
 - Nature based SuDS (including constructed wetlands, ponds, and swales as proposed) are permitted in F2 zoned lands in accordance with policy in Appendix 3 Open Space and Outdoor Recreation Strategy, and Chapter 12 Biodiversity and Green Infrastructure of the Kildare CDP.

7.2.4. Material Contravention of the Public Open Space Requirement

- Site has an extensive belt of mature parkland trees and hedgerows, reflected in the extent of F and F2 zoned lands.
- Open space strategy has sought to harness the amenity potential of the open space zonings for future residents and the broader community.
- A ‘by numbers’ approach to planning at the site can be overly legalistic and problematic, as in reality in excess of 77,000sqm of public open space will be provided.
- Public open space provision comprises a strategic amenity area to the south of the site, and a hierarchy of high-quality public open spaces (parks, squares, tree-lined streets) within the residential development.
- Open space strategy devised and agreed in conjunction with the planning authority (senior staff member indicated 10% provision acceptable, allowed flexibility on 15% requirement, noted overall provision of 57% of site).
- CDP (pg. 545) refers to ensuring compliance with section 4.18 of the Sustainable Residential Guidelines, which focus on the qualitative standard of public open space as opposed to any specific quantitative measure.
- Reference is made to SPPR 3 (sic, SPPR 5) of the draft Sustainable and Compact Settlements guidelines which direct that development plans shall not

include minimum public open space requirements in excess of 10% of the net site area.

- While the proposed 10% public open space provision is less than the 15% requirement due to the amount of overall public open space provided, the difference (a shortfall of 2,967sqm), is not deemed to be material.
- Landscape Design Statement for the proposed development outlines the high-quality nature of the open space provision.

7.2.5. Material Contravention of Density

- Leixlip LAP indicates a density of 35dph in the Celbridge Road East KDA.
- LAP policy on density however is flexible, allowing for a range, estimations, and assessment at planning application stage.
- Leixlip LAP predates the CDP which includes the Core Strategy for the County.
- Core Strategy indicates a 'target residential density' of 35-50uph for Leixlip (a Self-sustaining Growth Town).
- This range repeats that for outer suburban/ greenfield sites in the national Sustainable Residential Development guidelines.
- At a density of 40dph, the proposed development accords with national and local planning policy and guidance.

7.2.6. Conservation Officer's Refusal Recommendation

- Proposal is of a low-rise vernacular design with suitable external finishes and boundary treatments which appropriately respond to the castle demesne setting.
- Proposal maximises the retention of trees and hedgerows which are also integrated into the landscaping design strategy, thereby maintaining the sylvan character of the castle demesne.
- Proposal enhances the northern edge of the site with a green corridor, preserving the vegetation and enhancing the biodiversity, condition, and visual setting.
- Design approach has considered in detail the setting of the historic demesne at LRD pre planning an application process (Architectural Heritage Impact Assessment, Cultural Heritage in the EIAR).

- A viewpoint from Leixlip Castle towards the site is included in the Landscape and Visual Impact Assessment in the EIAR.
- As the proposed development is not visible from the castle grounds due to trees and dense mature vegetation, a finding of no significant effect is made.

7.2.7. Validity of Further Information Request

- Quotes relevant legislation from the 2001 Regulations (section 33(1)(a) and (b), and section 33(1A)), with underlined emphasis in section 33(1A).
- During the LRD pre-planning process, the applicant had provided all information requested to ensure all 'reasonably foreseeable' items were addressed.
- The decision to request FI seeking technical details was made by the planning authority in relation to items raised in a third party submission.
- The further information was deemed necessary and requested as is allowed for under section 33(1)(a) and (b), and section 33(1A) does not revoke the primary purpose of the legislation in allowing the planning authority to do so.
- These grounds of the appeal are unfounded.

7.3. **Planning Authority Response**

- 7.3.1. A response has been received from the planning authority stating it has reviewed the third party appeal and has no further comments to make.

7.4. **Observations**

- 7.4.1. No observations have been received on the appeal.

7.5. **Further Responses**

- 7.5.1. No further responses have been received on the appeal.

8.0 **Planning Assessment**

8.1. **Introduction**

- 8.1.1. Having examined the appeal details and all other documentation on the case file, inspected the site, and had regard to the relevant national, regional, and local policies and guidance, I consider that the main issues in this application are as follows:

- Validity Issues
- Zoning Objectives
- Density and Core Strategy
- Open Space
- Architectural Heritage
- Other Matters

I propose to address each item in turn below.

- 8.1.2. I have carried out a screening determination for Appropriate Assessment (AA) and an Environmental Impact Assessment (EIA) in respect of the proposed development, which are presented in sections 9.0 and 10.0 below in this report.

8.2. **Validity Issues**

- 8.2.1. At the outset of this assessment, for the Board's clarity, I consider it appropriate to address procedural items raised by the appellant and applicant. The former about the processing of the application by the planning authority, and in response, the latter about the nature of the third party appeal.

Processing of the LRD Application

- 8.2.2. In the grounds of appeal, the appellant questions the manner in which the LRD application was processed by the planning authority, in particular the validity of the further information (FI) request. Such requests are subject to the provisions of article 33(1A) of the 2001 Regulations whereby '...the planning authority may only request further information in relation to matters of technical or environmental detail, or both, that were unforeseen at the time of the LRD opinion and the time of lodging the LRD planning application, or new matters raised through the planning application public participation process'.
- 8.2.3. The appellant submits the information requested was available at the time of the making of the LRD application (for an adequate Housing Quality Assessment (HQA), and methodology to be used for the Social Infrastructure Audit (SIA)), and that without the FI request response the planning authority would have had to refuse permission for the proposal. In response, the applicant states that the application

documentation addressed all reasonably foreseeable items, and the FI request arose from a third party submission. The FI was deemed necessary by the planning authority, a request for such FI is allowed for, and the legislative restrictions on FI requests for LRD applications do not revoke the primary purpose of the legislation.

- 8.2.4. I have reviewed the FI request (revised HQA with correlating floor plans, and a revised SIA), and the subsequent FI response by the applicant. The response provides revised house and duplex apartment types in both Character Areas 1 and 2 with an updated HQA, addressing issues primarily in relation to storage provision (references, quantum, descriptions). The revised SIA includes a catchment area reduced from a 10-minute drive to a 10-minute walk (1.5km radius), and includes (in the interests of fairness) a 10-minute cycling band (3km radius). The conclusion of the revised SIA remains unchanged, with a finding that the area is well served by a range of social infrastructure. With regard to education facilities, the revised SIA indicates a small shortfall in primary education facilities (considered a short-term deficit due to the provision of a new educational campus in Celbridge, within cycling distance) and sufficient capacity in post primary facilities.
- 8.2.5. I consider the request and provision of the revised HQA with corresponding plans of the residential units to have been of a technical nature, addressing discrepancies, describing and justifying the use of attic space (i.e. an interpretation of the CDP policy), which are items that could be considered as unforeseen at the time of the LRD opinion/ LRD application being lodged. Similarly, the request for a revised SIA is of a technical nature, arose from the public participation process, and relates to an interpretation of 'in the vicinity' as referred to in CDP section 15.5.1 (see section 6.4 of this report above), which are items that could be considered as unforeseen at the time of the LRD opinion/ application being lodged. With regard to the latter, I highlight to the Board that the 10-15 minute walk band is cited as an example of the vicinity, and I consider the 10-minute drive band used in the initial SIA and the 10-minute walk and 10-minute cycle bands in the revised SIA are each acceptable examples of the vicinity in providing necessary and legitimate information on the range of facilities available to different users/ modes of transport.
- 8.2.6. Of the appellant's submission in respect to the HQA that the planning authority would have been bound to refuse permission for the proposal in the absence of receiving

the FI request response, I do not necessarily agree. The planning authority may have decided an available option would have been to grant permission subject to conditions requiring prior to commencement agreement of plans and particulars indicating the achievement of same. In any event, for the reasons outlined above, I consider that the FI request is valid, comes within the scope of article 33(1A) of the 2001 Regulations, and that the Board can rely on the FI request and the information received by the planning authority during that process.

Nature of the Appeal

- 8.2.7. In the response to the appeal, the applicant questions the validity of the third party appeal, which is described as vexatious and/ or made with purposes of delaying development. The applicant requests that the Board dismisses the appeal in accordance with section 138 of the 2000 Act and/ or holds an oral hearing to confirm the identity of the appellant and the reason as to why the appeal should not be so dismissed.
- 8.2.8. While I note the applicant's position and request, I consider the appellant has raised relevant and valid planning matters that are of consequence in the assessment of the proposed development. In this respect, I do not find that the appeal is expressly vexatious, frivolous, without substance, or made with the sole intention of delaying the development, as referred to in section 138 of the 2000 Act. Accordingly, I do not recommend that the Board dismiss the appeal or hold an oral hearing on the matter.

Conclusion

- 8.2.9. In conclusion, I am satisfied that the FI request issued by the planning authority is within the scope of article 33(1A) of the 2001 Regulations, the Board can rely on the FI request and the information received by the planning authority, and that the third party appeal raises relevant planning matters regarding the proposed development which are necessary to be considered and need not be dismissed.

8.3. Zoning Objectives

- 8.3.1. The current LAP contains the land use zoning objectives, map, and matrix (see section 6.4 of this report above) for Leixlip. The planning authority decision refers to two zoning objectives at the site (C – New Residential, and F2 – Strategic Open Space), while the appellant refers to three (C, F2, and F – Open Space and

Amenity). From a review of the plans and particulars provided by the applicant, I identify four zoning objectives applicable to the site (C, F2, F and I – Agricultural). The total site area is indicated as c.14.34ha, with each of the zonings approximately measuring as follows: C is c.5.93ha, F2 is c.5.61ha, F is c.1.51ha, and I is c.1ha (I direct the Board to Dwg No. PL06 Zoning Overlay, and the key statistics sections in several documents). The agricultural zoning comprises a strip of land along the Celbridge Road in the southwestern corner of the site, within which no development is proposed.

8.3.2. In the appeal grounds, the appellant identifies three instances where the proposed development encroaches on F2 zoned lands between the interface of the C and F2 zonings across the centre of the site. These include the car parking for the childcare facility in the southwest, residential development (Duplex Block D and housing in Cell 4) in the south-central area, and the surface water infrastructure in the southeast. The appellant submits that these are clear material contraventions of the F2 zoning objective.

8.3.3. In response, the applicant has acknowledged, justified and/ or amended the proposed development to address the instances of submitted encroachment. The childcare facility parking is for shared-use with amenity space users and in a transitional zone, all private areas of Block D are within the C zoning, private areas of Cell 4 have been revised to be within the C zoning, and the inclusion of surface water infrastructure in strategic amenity space as a material contravention is disputed. I consider each in turn below and in so doing, I have had regard to the zoning objectives, the provisions of the zoning matrix (relevant extracts are cited in section 6.4 of this report above), and Dwg No. PL06 Zoning Overlay.

Parking Area for Childcare Facility Use

8.3.4. In relation to the childcare facility, the building (278sqm) and dedicated play area (c.86sqm) are sited within C zoned lands close to the proposed entrance of the scheme. To the southwest of the building, is a parking area with 26 car spaces and 8 cycle spaces. Vehicular access to the area is from the internal road, with separated pedestrian access available from the area to the childcare facility. Adjacent to the childcare facility and parking area, are proposed preschool and junior

play zones, hard and soft landscaping comprising seating, increased embankment, planting, and screening.

- 8.3.5. The parking area serving the childcare facility is located within F2 zoned lands, which is a not permitted use therein and there are no exceptions and/ or flexibility allowed for in the zoning matrix. Accordingly, I concur with the appellant and find the parking area to be a material contravention of the F2 zoning objective. The planning authority decision does not refer to this issue, nor did the appeal response comment on same.
- 8.3.6. Notwithstanding the finding of material contravention, for several reasons I consider there to be substantive planning merit in the proposed parking arrangement. The childcare facility (with a capacity for 50 children) generates a parking requirement of 12 car spaces and 24 cycle spaces (8 short stay visitor spaces and 16 staff/ long stay visitor spaces). The parking area meets these specific requirements with the provision of additional 14 car spaces, 8 short stay visitor cycle spaces, and the remainder cycle spaces retained in-curtilage.
- 8.3.7. The parking area is proposed for dual usage serving the childcare facility and also serving amenity space users of the play zones and larger public park. Access to the parking area is not restricted, thus while the childcare usage will typically be daytime hours during weekdays, amenity space users will have daytime weekday access, but also evenings and weekends. Importantly, due to the provision of the play zones and the development of the public park for general public use, a parking area as proposed would be necessary in this general location. I consider the proposed shared use arrangement to be practical, resourceful, and widely beneficial.
- 8.3.8. In terms of scale, I calculate that the proposed parking area measures c.140sqm. As the F2 zoned lands are indicated as measuring c.5.61ha (56,120sqm), the area of F2 zoned lands encroached by the childcare facility parking is 0.25%. This quantum is clearly minimal, and I consider that the future development of the F2 zoned lands for purposes for which they are zoned would not be prejudiced by the provision of this component of the proposed development. As stated above, I consider a similarly sized parking area would be necessary for the amenity space users at this location in any event.

- 8.3.9. Final considerations include the preferential siting of the childcare facility which, in accordance with Childcare Guidelines, is at the entrance to the proposed development that in turn is in close proximity to the Celbridge Road (a key regional thoroughfare in the town). The location of the facility is easily accessible to both future residents and members of the wider community, avoids unnecessary additional traffic deeper into the proposed development, and the design and layout of the parking area ensures a safe set down area with separate pedestrian access to the facility.
- 8.3.10. On balance, for the reasons outlined above, while the childcare facility parking area is a material contravention of the F2 lands on which it is sited, I consider this to be acceptable. I confirm to the Board that as the proposal was granted permission by the planning authority, the material contravention process provided for in section 37(2)(a) of the 2000 Act is applicable, and the provisions of section 37(2)(b) do not apply.

Residential Development: Block D and Cell 4

- 8.3.11. In relation to residential development, the appellant submits ancillary components, including terraces and front access pathways to the ground floor units of Block D, and front entrance pathways, car parking and part of the home zone of houses in Cell 4, encroach on F2 zoned lands.
- 8.3.12. In the appeal response, the applicant outlines that all private areas (terraces, front entrances) of Block D are within C zoned lands, and that it is the publicly accessible footpaths serving the units in the block which are on the F2 zoned lands. I have reviewed the plans and particulars submitted with the application and appeal and concur with the applicant's position. Pathways serving residents and visitors of Block D, which are also importantly accessible to the general public, are within the F2 zoned lands. As these provide unrestricted access around the buildings and to the public open spaces, I do not consider these components of the proposed development to constitute a material contravention of the F2 zoning objective.
- 8.3.13. In respect of components associated with houses in Cell 4, on review of the plans submitted with the application, I concur with the appellant. These residential elements are sited within F2 zoned lands, which constitutes a material contravention of the F2 zoning objective as residential use is a not permitted use therein, and there

are no exceptions and/ or flexibility allowed for in the zoning matrix. However, in the appeal response, the encroachment (by private paving, boundaries, gardens, parking spaces) is acknowledged by the applicant. The appeal response includes plans indicating revisions to the site layout of the proposed development removing all such encroachments from the F2 zoned lands. I consider this proposed revision to be an acceptable response to the appeal grounds and, in the event of a grant of permission, recommend the matter be addressed by condition.

Surface Water Infrastructure

- 8.3.14. In relation to surface water infrastructure, the appellant submits that substantial drainage works are sited within the F2 zoned lands which is in material contravention of the F2 zoning objective. The applicant refutes this claim, referring to the range of supportive and mandatory SuDS related policy and objectives in the CDP, in particular that of Appendix 3: Open Space and Outdoor Recreation Strategy.
- 8.3.15. Within the F2 zoned lands and the area to be developed as the main public park (also referred to as the strategic amenity area), the drainage infrastructure proposed includes a swale on the southern side of the internal road/ residential building edge, and in the southeastern area of the site a constructed wetlands and a retention pond. In respect of the land use zoning matrix, I note that surface water drainage infrastructure is not listed as a use class. Land uses that are not listed, are to be considered on their own merits, with reference made to the most appropriate use of a similar nature and to the general policies and zoning objectives applicable.
- 8.3.16. I identify the most appropriate similar use as 'utility structure', that being, I consider that the surface water infrastructure, in particular the constructed wetlands and retention pond given their nature and scale, to be commensurate with a utility installation. This land use is open for consideration within the F2 zoning objective, and such uses may be acceptable if there is no conflict with the general objectives for the zone and the permitted or existing uses. I consider that constructing the drainage infrastructure as proposed, which also serves a dual purpose by ensuring a high amenity and ecological value for the public park, is wholly consistent with the stated F2 zoning objective 'To preserve, provide for and improve recreational amenity, open space and green infrastructure networks', and would not conflict with the only permitted uses for the F2 zoning objective in the matrix, of park/ playground

and playfield. I consider that the future development of the F2 zoned lands for purposes for which they are zoned would not be prejudiced by the provision of this component of the proposed development.

8.3.17. I note and concur with the applicant's position in relation to the CDP policy context supporting and requiring SuDS measures. I find the proposal, particularly the construction of permanent wetlands, to accord with CDP Policy BI P15 in promoting SuDS which beneficially replicate natural systems, and the proposed surface water drainage strategy for the scheme to comply with the wider requirements of CDP BI O76. Further, I consider the provision of the SuDS nature-based features within the public park, which serve an ecological purpose, to comply with the requirements in Chapter 12 of the LAP relating to Celbridge Road East KDA. Of relevance, this includes that the public open space in the south of the site provides a range of facilities and features offering recreational, ecological, landscape, cultural or green infrastructure benefits.

8.3.18. In the interests of clarity for the Board, I have considered that the surface water infrastructure may be classified as a residential use, should it be interpreted as an ancillary component in the scheme. In the event the Board held such a position, the surface water infrastructure on the F2 zoned lands would constitute a material contravention of the F2 zoning objective. Notwithstanding, for the reasons outlined above, I would continue to consider the siting of the infrastructure within the F2 zoned lands to be acceptable, the development of the public park as proposed to be wholly appropriate, the nature and extent of the infrastructure to accord with CDP and LAP policy requiring the provision of SuDS measures, and to be in the interests of the proper planning and sustainable development of the area.

Conclusion

8.3.19. In conclusion, I find that the siting of the parking area serving the childcare facility within lands zoned as F2 – Strategic Open Space to be a material contravention of the F2 zoning objective. I find the siting of residential components of Block D and Cell 4 (as revised in plans and particulars lodged with the first party appeal response), and the surface water infrastructure in F2 zoned lands, not to be material contraventions of the F2 zoning objective. Notwithstanding the finding of material contravention, for the reasons outlined above I consider that, on the whole, the

proposed development is acceptable, in accordance with the proper planning and sustainable development of the area, and recommend to the Board that permission be granted as provided for in accordance with section 37(2)(a) of the 2000 Act.

8.4. Density and Core Strategy

8.4.1. The total area of the appeal site is indicated as c.14.34ha with a net developable area of c.5.28ha on exclusion of the F, F2, and I zoned lands, and civil engineering works. The site is indicated as including a total of c.7.71ha of open space (c.54% of the overall site area), and the residential density for the proposal is cited as 40 dwellings per hectare (dph).

8.4.2. In the appeal grounds, the appellant submits the proposed density of 40dph exceeds the development density indicated for the site in the LAP of 35dph and constitutes a clear material contravention of the LAP. It is submitted that exceeding the density range could render the CDP core strategy redundant. Further, the excessive density causes a negative impact on Leixlip Castle and the inappropriate use of F2 zoned lands for surface water infrastructure. The applicant refutes the grounds citing accordance with national planning policy, and the flexibility allowed for in the density ranges in the LAP and the CDP. I propose to address each substantive item in turn.

Material Contravention

8.4.3. Chapter 4 of the current LAP outlines the overriding policy context for the development of Leixlip (consolidated urban growth) and Chapter 12 details development strategies for specific areas including Celbridge Road East KDA (i.e. the appeal site) (see section 6.4 of this report above for relevant policy). Key provisions for the proposed development include the phasing strategy for the development for the town (Phase 1 lands to be developed initially comprise the KDAs, including Celbridge Road East KDA), the new residential capacity and housing allocations for Celbridge Road East KDA (Table 4.1 estimates c.280 dwelling units at a density range of 35dph), and the development of Leixlip to comply with the CDP Core Strategy (the planning authority will monitor the permission and development of residential units to ensure compliance with the Core Strategy). The development strategy for the Celbridge Road East KDA (section 12.3) indicates that of a medium density residential development in the order of 35dph.

- 8.4.4. To determine whether the density of the proposed development is a material contravention of the LAP, namely Table 4.1 and section 12.3, a consideration of the wording used in the LAP on density is relevant. I have reviewed the applicable LAP policy and highlight to the Board the flexible nature of the wording and inclusion of caveats such as 'density range', 'figures stated represent an estimate only', 'density of development...will be determined at detailed planning stage...', 'higher densities may be achievable', 'any proposed scheme shall incorporate appropriate increases in density', and the '...KDA will accommodate medium density residential development in the order of 35 units per hectare, subject to also minimising impact on Leixlip Castle'. I find the wording used in the LAP on density to be sufficiently and appropriately broad, and that the proposed density of 40dph is within a reasonable interpretation of the term 'in the order of' 35dph. Accordingly, I do not consider the proposed density to be a material contravention of the LAP.
- 8.4.5. The density provisions in the LAP are part of a wider policy context set at national, regional, and local CDP policy levels to achieve sustainable urban growth at appropriate locations and in efficient built forms. I have given the necessary consideration to how the proposed density complies with the wider context and highlight the following: I find that the proposed development, a residential scheme comprised of houses and apartments, 2 to 3 storeys in height with a density of 40dph, is consistent with national policy in the NPF (NPOs 3c, 11, 33, and 35 relating to consolidated growth in existing urban areas through increased densities and higher buildings), Sustainable Residential Development Guidelines (section 5.4 requires that an outer suburban/ greenfield location in a large town achieves a density range of 35-50dph), Building Height Guidelines (section 1.9 seeks support in the development management process for schemes with at least 3 to 4 storeys coupled with appropriate density, and SPPR 4 by having a residential density within the applicable density range of the Sustainable Residential Development Guidelines, by including a mix of building heights (2 to 3 storeys), building typologies (houses and duplex apartments), and avoiding mono-type building typologies (several house types and variations of duplex apartments, range of residential units varying in sizes and bedspaces to cater for a range of demographic needs), and Apartment Guidelines (section 2.4 requires intermediate urban locations to accommodate

medium-high density residential development of any scale that includes apartments to some extent).

- 8.4.6. Likewise, I find the proposed development accords with regional policy in the RSES (particularly section 4.7) by contributing to consolidated urban growth within Leixlip, designated as a Self-Sustaining Growth Town in the Dublin Metropolitan Area which is identified as having the potential for increased residential densities to accommodate average or above average growth. Lastly, I find that the proposed density of the scheme complies with Core Strategy allocations in the CDP (discussed below), and other LAP policy requirements (section 12.3 requires a density for the scheme which does not adversely impact on Leixlip Castle, as is discussed in section 8.6 of this report below, and Policy HC2 which indicates an appropriate density in a development achieves a sustainable mix of residential types and sizes).

Core Strategy

- 8.4.7. Finally, in the appeal grounds the appellant submits that the excessive density of the proposed development, and if similar was to occur in other new developments, may render the Core Strategy for the county as redundant. Chapter 2 of the CDP (section 2.9 and Table 2.8) outlines residential density targets used to calculate housing allocations for each urban centre (Leixlip is allocated 933 residential units on 31ha of land at a minimum density of 35dph). I have reviewed the applicable policy in Chapter 2 of the CDP and, in similarity with Chapter 4 of the LAP, I find the wording used includes references to estimates, targets, ranges, and redistributions. For instance, the CDP states that while the figures used for the Core Strategy housing allocations are based on the lowest density range of 35dph, higher densities will be encouraged. That being, it is acknowledged in the CDP that there may be several instances whereby higher densities will be achieved in new developments, which is the opposite of the appellant's position.
- 8.4.8. I note that in its decision on the application, the planning authority indicated satisfaction with the proposed density of the scheme and did not raise any issue in relation to non-compliance with the Core Strategy allocations for Leixlip (having regard to the monitoring role referred to in section 4.3 of the LAP). Having regard to the above, I consider the CDP Core Strategy is appropriately and necessarily

flexible, is not strictly rigid in its application, and would not be prejudiced by permitting the proposed development with a density of 40dph.

- 8.4.9. On balance, I am satisfied that the proposal is consistent with local CDP policy, Objective CS01, relating to future growth and the spatial development of the county according with the Core Strategy, which in turn aligns with national and regional policy frameworks. Similarly, I find the proposed development complies with Policy CS1 of the LAP by comprising a scale of development (through use of an appropriate density) that supports the sustainable growth of Leixlip in accordance with the CDP Core Strategy.

Conclusion

- 8.4.10. In conclusion, I do not consider that the density of the proposed development is a material contravention of the LAP, or that it would prejudice or undermine the CDP Core Strategy for the county. The policy and objectives in both the LAP and CDP regarding density and the Core Strategy are not absolute and instead allow for appropriate and necessary levels of flexibility, which reflects the density range advised in the national guidance and allows for considerations of site-specific conditions. I concur with the planning authority and applicant and find the density of 40dph to be acceptable. I further conclude that the proposed density is in compliance with national, regional, and local policy on the matter.

8.5. Open Space

- 8.5.1. The proposed development comprises an extensive amount of open space, organised in a hierarchy of public and communal areas serving different end-users with varying designs, functions, and finishes. The total site area is indicated as c.14.34ha, of which the total quantum of open space is indicated as c.7.71ha, c.54% of the total site area. This quantum is comprised of areas within three zoning objectives as follows: C – New Residential is c.0.59ha, F – Open Space and Amenity is c.1.51ha, and F2 – Strategic Open Space is c.5.61ha. That being, the quantum of open space in the proposal is made up of 10% of the residential C zoned lands (5,935sqm), and all of the F and F2 zoned lands.
- 8.5.2. In the appeal grounds, the appellant identifies that for new residential developments the LAP and CDP require a minimum provision of 15% of the total area for open

space purposes. As the proposed development only provides 10% of the C zoned lands as open space, this is clearly a material contravention of the LAP and CDP. Further, the appellant submits that certain areas included in the 10% provision should be discounted due to in fact being zoned as F and of poor amenity value.

- 8.5.3. In response, the applicant acknowledges that there is a 5% shortfall (calculated as 2,967sqm) in the open space provision within the C zoned lands though states this is not material, and provides a two-pronged justification for the open space strategy based on a quantitative case (c.54% of the overall site area, in reality c.77,000sqm of open space provided, refers to SPPR 3 (sic SPPR 5) in the draft Sustainable and Compact Settlements Guidelines which stipulates a maximum provision of 10% open space), and a qualitative case (open space strategy fundamental to the proposal, high quality design and finishes for hard and soft landscaping, hierarchy of spaces, detailed Landscape Design Statement prepared for the scheme). I consider the open space quantitative and qualitative issues in turn below.

Quantitative Considerations

- 8.5.4. CDP development management standards (section 15.6.6) and the LAP development strategy for the Celbridge Road East KDA (section 12.3) both require a minimum provision of 15% of open space in new residential developments (see section 6.4 of this report above). The wording used is definitive without flexibility, caveats, or applicable exceptions (e.g. the natural/ semi-natural green spaces). Accordingly, as the proposal includes a maximum provision of 10% of the C zoned lands for open space purposes (indeed less, as is discussed below), I concur with the appellant and find the under-provision of public open space to be a material contravention of stated policy in the CDP and the LAP. The planning authority decision does not refer to this issue, nor did the appeal response comment on same. Notwithstanding the finding of material contravention, for several reasons I consider there to be substantive planning merit in the proposed open space strategy for the scheme.
- 8.5.5. Firstly, with regard to quantitative parameters, I consider it reasonable and logical to assess the quantitative provision of open space in its totality. I note that over c.77,000sqm of open space will be provided within the overall proposal. The C zoned lands are indicated as measuring c.5.93ha, with the required minimum

provision of 15% being c.0.89ha (8,902sqm). As indicated by the applicant, there is a 5% shortfall in the open space provision within the C zoned lands, equating to 2,967sqm. I am satisfied that, when considered on the whole, the open space shortfall constitutes 3% of the overall provision, which I find is de minimis in scale and nature.

- 8.5.6. Regarding the appellant's submission that areas included in the 10% provision should in fact be discounted, I have reviewed the details provided in the applicant's HQA and the Landscape Design Statement. The HQA provides the areas of five public open spaces in C zoned lands, including that of 'Central Park' (1500sqm). From a cross reference with the Landscape Design Statement (pgs. 02, 5b), it is apparent that the central park area coincides with the F zoning applicable to lands at the centre of the site (understandably so as the F zoning corresponds with a mature treeline with high amenity value to be retained in the proposal). As such, I concur with the appellant that this area should be discounted from the 10% provision, yielding an amended provision of 4,935sqm (c.8%). Of the remaining open space areas included in the 10% provision, I have cross referenced these with the Landscape Design Statement (pgs. 05, 5a), find the spaces serve an active and/ or passive amenity function thus being of amenity value, and am satisfied these can remain in the resultant open space calculation.
- 8.5.7. In the interest of clarity, while I note the applicant's reference to the mandatory SPPR in the draft Sustainable and Compact Settlements Guidelines capping public open space requirements at a maximum of 10%, at the time of this assessment these guidelines were not in effect.

Qualitative Considerations

- 8.5.8. Secondly, with regard to qualitative parameters, I have reviewed the detailed Landscape Design Statement and the suite of plans which accompany same. I consider that the proposed open space is of a high quality design and high amenity value. I positively note the hierarchy and variety of the open spaces included within the scheme, being formal (public plaza) and informal (linear park) in design, active (playgrounds, kickabout areas) and passive (central park) in use, hard (public square) and soft (linear park) in landscaping, managed (woonerf) and wild (large

public park) in maintenance, and communal for future residents (woonerf) and public for the wider community (large public park) in accessibility.

- 8.5.9. I consider the proposal complies with requirements in the LAP including Policy OS1 (by providing a hierarchy of high quality multi-functional publicly accessible open spaces within the scheme) and those of the development strategy for the Celbridge Road East KDA (section 12.3 requires the overall open space to be predominantly accessible to the public, provide a range of facilities and features, offer recreational, ecological, landscape, cultural or green infrastructure benefits, and incorporate amenity walks, natural heritage and green infrastructure features). Further, I consider the proposed development complies with CDP policy (section 15.6.6 requires regard to be had to the qualitative requirements of the Sustainable Residential Development Guidelines), and with the Sustainable Residential Development Guidelines (section 4.18 refers to the achievement of several qualitative parameters (design, accessibility, variety, shared use, biodiversity, and SuDS) which the proposal satisfies).

Conclusion

- 8.5.10. In conclusion, I find the provision of c.8% of the residentially zoned lands as public open space materially contravenes section 15.6.6 of the CDP relating to development management standards and section 12.3 of the LAP relating to the development strategy for the Celbridge Road East KDA. Notwithstanding the finding of material contravention, for the reasons outlined above in respect of quantitative and qualitative considerations, I find that in its totality, the proposed development is acceptable, in accordance with the proper planning and sustainable development of the area, and recommend to the Board that permission be granted as provided for in accordance with section 37(2)(a) of the 2000 Act.

8.6. Architectural Heritage

- 8.6.1. In the planning authority assessment, the Conservation Officer recommended refusal of permission due to its being contrary to CDP Objectives AH O46, O51 and O52, failing to respond adequately to its setting, and negatively impacting on the character of the Leixlip Castle demesne. In the appeal grounds, the appellant states the planning authority decision to grant permission rejects valid heritage issues raised by the Conservation Officer without sufficient justification. In the appeal response, the

applicant refers to the components of the proposal incorporated to minimise impacts, and the findings of the associated reports submitted with the application.

- 8.6.2. Of the appellant's appeal grounds, while the planning authority has outlined its position in the decision (though somewhat without express reference to the applicant's documentation), it would appear there is a difference in opinion as opposed to insufficient justification. In any event, the adequacy of the justification by the planning authority for the final decision arising from a divergent opinion in an internal report, is not a matter for the Board per se. The planning issue of relevance raised in the appeal grounds is the impact of the proposed development on the architectural heritage of the site and receiving area.

Features of Architectural Heritage Value

- 8.6.3. In assessing the impact of the proposal, in addition to the plans and particulars, I have had regard to the Architectural Heritage Impact Assessment (AHIA) (J. Green Conservation Architect and J. Cronin Conservation Consultant), Existing Boundary Wall Condition Report (DOBA Engineers), and Chapter 16 of the EIAR (Turley Planning with reference to the AHIA and Boundary Wall report). (I direct the Board to section 10.6 of this report below which outlines my assessment of the cultural heritage: architectural heritage component of the environment).
- 8.6.4. The AHIA, and reiterated in the EIAR, establishes that the key architectural heritage value characteristics at the site are the extant demesne wall (along northwest/northern/northeastern boundary) and the mature treeline/ tree stands which contribute to the historic landscape setting and sylvan character of the site.
- 8.6.5. Otherwise, the AHIA submits that the site is a much-altered landform of open fields devoid of architectural heritage interest. Importantly, the AHIA clarifies that the single storey building at the western entrance gate, adjacent to the site's northwestern site boundary, is not a formal gate lodge associated with Leixlip Castle (not contemporaneous with castle and demesne setting, no mapping evidence of an access road via the adjacent western gate into the castle grounds, of early 19th century construction, is much altered, and not a protected structure), and is therefore not of high architectural heritage value (for the Board's clarity, I note that there are references in the application documentation to the 'gatehouse', but I will refer to this structure as the C19th dwelling).

8.6.6. The impact on the site and the setting of the wider Leixlip Castle demesne from the construction of the M4 motorway is raised (infill material exported to the centre/ north of the site, raised ground levels and changed land profile especially along the northern boundary which obscured the demesne wall and the base of the mature treeline, southern embankment/ berm inserted as a new feature in the demesne landscape, and the wider M4 motorway route severed the demesne lands, transforming and degrading its integrity and landscape character). Lastly of note, the AHIA is conclusive in its finding that there are no physical or visual links to Leixlip Castle and/ or Wonderful Barn, the two protected structures of most architectural heritage value (and national importance) in proximity to the appeal site. Overall, I agree with the applicant's identification of the features of architectural heritage value at the site, which I confirmed at my site inspection.

Impact on Architectural Heritage

8.6.7. As the features of architectural heritage value are identified, an assessment of the impact on same can be undertaken. The AHIA classifies the impacts of the proposed development as follows: overall a slight positive impact on the much-altered demesne landscape; a significant positive impact on the demesne wall (due to the programme of remedial repairs); a slight negative impact on localised sections of the demesne wall (due to the removal of historic fabric to create the main vehicular entrance and a pedestrian entrance in the west and northwest site corners respectively); and a slight negative impact on the setting of the C19th dwelling and gateway due to the alterations proposed in the vicinity. In summary, the AHIA finds the proposal will not give rise to any significant negative impacts on the architectural heritage of Leixlip and environs.

8.6.8. I agree with the applicant's individual conclusions on impacts, and certainly concur with the overall finding of the impact on architectural heritage at the site being slight positive in effect and not significant negative. Further, I also highlight that I have reviewed the photomontages/ CGIs prepared of the proposal and the visual impact assessment in the EIAR. I confirm there is no impact on the viewpoints taken from Leixlip Castle (viewpoint 7) and Leixlip Bridge (viewpoint 8, which is located in the Leixlip Architectural Conservation Area and a protected view in Map 2 of the LAP).

The proposed development is not visible from the castle grounds or the bridge due to trees and dense mature vegetation, and the notable separation distances.

- 8.6.9. Having identified the features of architectural heritage value and the effects of the impact of the proposed development on same, I have reviewed the Conservation Officer's report. While the report accepts the principle of development, key concerns relate to the design and siting of the childcare building, design and treatment of the main entrance piers, proposed screening along the eastern edge of the proposal closest to the castle buildings, and future connections to lands further east closer to the castle setting. I have considered the concerns in turn and find the following to be the case.
- 8.6.10. Of the concern about the childcare building, I acknowledge the design approach employed is one of modern architectural expression (elevation treatment, finishes, roof profile). Notwithstanding, I consider this to be appropriate for the proposed use and the setting. The childcare building is set back within the site (on grass, involving the removal of hedgerow and a small number of trees) from the C19th dwelling (c.28m) further separated by the new access road/ pathways, and from the demesne wall along the Celbridge Road (c.22) further separated by the remaining mature treeline along the boundary wall. The proposed development includes new boundary treatment for the C19th dwelling (1.8m blockwall, mesh fencing with hedging, new trees) which I consider will further increase physical and visual separation between the structures, thereby decreasing the impact of the childcare building on this part of the site to one of a slight effect.
- 8.6.11. Of the concern about the entrance piers, I acknowledge that the design and treatment of the piers may be 'overly ornate' as described by the Conservation Officer (also submits is historically inaccurate), in particular the lanterns features. I have not identified a comment or response on this item from the applicant (i.e. the Conservation Architect/ Conservation Consultant) and, accordingly, consider that the design and treatment of the entrance (piers and signage) should be subject of final agreement between the Conservation Officer and Conservation Architect/ Conservation Consultant.
- 8.6.12. Of the concern about the lack of screening along the site's eastern edge, I have reviewed the Landscaping Design Statement and boundary treatment details. The

eastern edge of the proposed development does not follow a natural (field boundary/ditch) or physical boundary line (demesne wall) and is instead proposed to correspond with the extent of development, i.e., rear garden walls/ side gables of houses in Cells 7 and 8 (1.8-2m blockwall, with hedging on outer wall face), and a boundary with an open field (1.8m mesh fence with hedging). While I acknowledge the concern of the Conservation Officer, in having regard to the absence of any physical and visual links to Leixlip Castle, and the extensive tree belt of 40m-100m in depth which separates the site's eastern edge and the castle grounds, and the details of the landscaping proposals (wall rendered and painted, dark colour fencing, native species of hedging) I find the proposed boundary treatment and screening to be acceptable.

8.6.13. Of the concern about the future development of lands further east, I highlight to the Board that these lands are zoned for development, included in the Celbridge Road East KDA, and subject to policy requiring any development therein to not cause a negative impact on the setting of Leixlip Castle. Accordingly, I do not consider this to be a matter for the assessment of the current proposal as any development therein will necessarily be the subject of a separate application.

8.6.14. Having regard to the foregoing, I do not concur with the position of the Conservation Officer. Conversely, I find that the proposed development accords with CDP Objective AH O46 (by ensuring the conservation, renewal and improvement of the majority of the extant demesne wall, and retaining and supplementing mature treelines and trees stands), Objective AH O51 (by incorporating design features and characteristics (proportionate building height, scale and massing, notable separation distances, retained vegetation with supplementary landscaping/ screening, and suitable boundary treatment which have taken account of key heritage features at the site, primarily the demesne wall and mature treelines/ tree stands), and Objective AH O52 (by not causing a negative impact on the character of the historic landscape, which I consider to be satisfactorily demonstrated in the applicant's AHIA (conclusive there is no physical or visual links to Leixlip Castle and/ or Wonderful Barn), and Chapters 16 and 18 of the EIAR (conclusively demonstrate the proposed development has no effect on the viewpoints from Leixlip Castle and Leixlip Bridge).

Conclusion

8.6.15. In conclusion, I am satisfied that the design, scale, and treatment of the proposed development responds appropriately and adequately to its historic setting and will not negatively impact on the character of the Leixlip Castle demesne (largely determined by the historic stonewall boundary and mature treelines/ tree stands). In the event of a grant of permission, I recommend the attachment of conditions requiring the implementation of mitigation measures in the AHIA (some are incorporated into the EIAR), the agreement of the final design and treatment of the entrance, and the naming of the scheme to reflect the historic association of the site with Leixlip Castle. I conclude the proposed development complies with CDP Objectives AH O46, O51, and O52, and LAP Policies BH1 (by preserving and enhancing the special value of protected structures and their historic settings) and BH2 (by preserving the views/ setting of the Leixlip ACA).

8.7. Other Matters

8.7.1. I have reviewed the records in relation to the pre planning consultation, the planning authority LRD opinion, the applicant's Statement of Response on same, and consultations in Chapter 6 of the EIAR. In summary, I agree with the identification of key issues to be addressed in the case, note the applicant's response, concur for the most part with the assessment of the planning authority.

8.7.2. Thus, in the interests of clarity for the Board, regarding matters that have not been expressly raised in the appeal (appeal grounds and/ or appeal responses), I confirm to the Board that I have reviewed the relevant details, assessed the associated impacts, found the following items to be in order, and recommend that, in the event of a grant of permission, issues arising can be addressed by condition (e.g. implementation, final agreement with the planning authority in line with those attached in the decision to grant permission by the planning authority as considered necessary, relevant, and reasonable).

8.7.3. These items include planning matters of design, layout, and public realm; building scale, height, massing, and finishes; childcare design, layout, and finishes; residential amenity of future residents; residential amenity of existing residences (overlooking, overshadowing, overbearance); landscaping and boundary treatments; access and egress from public roads; internal road, footpath and cycle path layout; parking provision; permeability and connectivity; surface water management and

flood risk; servicing and utilities; taking in charge and management company; Part V compliance; restriction on sale of houses and duplexes; and development contributions including a special development contribution for the provision of a new footpath along the Celbridge Road (R404).

9.0 Appropriate Assessment

9.1. Compliance with Article 6(3) of the EU Habitats Directive

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

9.2. Background on the Application

9.2.1. The applicant submitted an Appropriate Assessment screening report (AASR) with the application for the proposed development (i.e. project). The screening report is supported by a range of relevant reports to which I have had regard. Key among these include the following:

- Environmental Impact Assessment Report (EIAR) Volume II.
- Site Specific Flood Risk Assessment.
- Infrastructure Design Report.
- Construction Management Plan.
- Landscape Design Statement.

9.2.2. The applicant's AASR provides a description of the project, the characteristics of the site, and identifies six European sites that fall within a precautionary zone of influence. The European sites are identified as having potential hydrological and/ or hydrogeological connections to the project via surface water (discharges to River Rye Water, River Liffey) and/ or groundwater flows.

9.2.3. On preliminary examination, five European sites associated with the River Liffey are excluded from further examination. Further examination is undertaken of Rye Water Valley/ Carton SAC due to there being a source-pathway-receptor 'link of note' to the

project in the form of potential hydrological and hydrogeological pathways to the project.

9.2.4. However overall, the AASR concludes that *'On the basis of the screening exercise carried out above, it can be concluded, on the basis of the best scientific knowledge available, that the possibility of any significant effects any European sites, whether arising from the project itself or in combination with other plans and projects, can be excluded'*.

9.2.5. Having reviewed the AASR and the other relevant reports, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

9.3. **Screening for Appropriate Assessment**

9.3.1. The first test of Article 6(3) is to establish if the project could result in likely significant effects to a European site. This is considered Stage 1 of the appropriate assessment process, that being, screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and appropriate assessment carried out.

9.3.2. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

9.3.3. The project is examined in relation to any possible interaction with European sites designated SACs and/ or SPAs to assess whether it may give rise to significant effects on any European site.

9.4. **Brief Description of Development**

9.4.1. The project is located in the townland of Leixlip Demesne, c.0.5km southwest of Leixlip town centre. The River Liffey is located c.320m to the east of the site (proximity measured to closest boundary) and its tributary, the River Rye Water is located c.350m to the northeast. The rivers converge in Leixlip town centre, from where the River Liffey flows in an easterly direction to Dublin Bay c.18km due east.

9.4.2. The site comprises a series of agricultural fields separated by field boundaries which comprise drainage ditches, treelines, and hedgerows. The majority of the site is comprised of grasslands habitat. The site drains via ditches in the northern, central, and eastern field boundaries to the River Rye Water.

9.4.3. The proposed development comprises the following the key elements:

- construction of residential scheme comprising 237 dwellings units and a creche facility with internal road and path networks, surface level car and cycle parking, and refuse areas.
- hard and soft landscaped open spaces (totalling c.7.71 ha of which c.5.61 ha comprises a publicly accessible strategic amenity space), with new and supplemented boundary treatments.
- new subsurface infrastructure with connections to the existing public surface water drainage, wastewater drainage, and watermains infrastructure.
- provision of a range of SuDS measures including nature based systems (constructed wetlands, retention pond, swales, rain gardens), filtration systems (filter drains, lined permeable paving), detention basins, proprietary treatment systems, petrol/ oil interceptors, and rainwater harvesting.
- site development works including the relocation of previously raised ground (from the construction of the M4 motorway) to create an enlarged berm along the southern boundary of the site with the M4.

9.4.4. Chapter 8 Biodiversity of the EIAR Volume II (same author) indicates that the site is not under any wildlife or conservation designation. The site surveys did not record any rare or protected plant species, protected mammal species save for bats, or habitats of more than local importance value. The site is determined to have no key ecological receptors and no evidence of habitats or species with links to European sites.

9.4.5. Taking account of the characteristics of the proposed development in terms of the site's features, location, and scale of works, the following are considered for examination in terms of implications for likely significant effects on European sites:

- Construction phase related surface water and groundwater pollution.

- Operational phase related surface water pollution.

9.5. Submissions and Observations

- 9.5.1. In the planning authority report, the planning officer notes the applicant's AASR, undertakes an appropriate assessment of the proposed development and concludes the proposed development will not adversely affect (directly or indirectly) the integrity of any European site. The planning authority grants permission for the proposal subject to several conditions. These include conditions relating to construction phase management and surface water drainage design and management arising from the internal reports of the Water Services and Environment Sections.
- 9.5.2. During assessment by the planning authority, third party submissions were received on the proposal though none appear to raise issues relating to appropriate assessment. No report was received from Uisce Eireann, though confirmations of feasibility for connections to the public water services systems accompany the application. The appropriate assessment of the proposed development is not raised specifically as a ground of appeal by the appellant.

9.6. European Sites

- 9.6.1. The appeal site is not located in or immediately adjacent to a European site. I have reviewed available sources of information including that provided in the applicant's AASR, which identifies and details six European sites within a precautionary zone of influence from the project.
- 9.6.2. Five of these European sites are located within the Dublin Bay area, and are identified as having potential hydrological connections with the project via the River Liffey. These European sites include North Dublin SAC, South Dublin Bay SAC, Rockabill to Dalkey Island SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. I have reviewed the conservation objectives and the qualifying interests (QIs) of these European sites and note that the QIs for the Dublin Bay SACs include habitats of mudflats, sandflats, and dunes, while those of the SPAs primarily relate to wintering water birds and wetland habitats. I calculate that these European sites are between c.17km and c.27km due east of the project.
- 9.6.3. In the applicant's AASR, these five European sites are screened out for appropriate assessment at the preliminary investigation stage, a decision with which I concur. In

my opinion, these European sites can be screened out for the need for appropriate assessment as the potential hydrological connections are not of note, the indirect nature of the pathways between the site and the River Liffey, the notable downstream distances from the site to the respective European sites in Dublin Bay, the low volumes and high potential for dispersion and dilution of surface water discharges, and that wastewater arising from the proposal will be treated at Leixlip WWTP. Further, the appeal site is too far from the protected bird roosting areas of the Dublin Bay SPAs within the precautionary zone of influence and the site itself does not contain any habitats suitable for roosting or foraging birds associated with SPAs.

9.6.4. Only one of the six European sites in the zone of influence, Rye Water Valley/ Carton SAC, is identified as having a source-pathway-receptor ‘link of note’ to the project. This link is in the form of potential hydrological and hydrogeological pathways to the site. The pathways include surface water discharges to the River Rye Water at operational phase and potential groundwater flows to the SAC during construction phase.

9.6.5. Following consideration of the above, I am satisfied that Rye Water Valley/ Carton SAC be screened for the need for appropriate assessment. A summary of the European site including its conservation objectives, qualifying interests, distance from the proposed development, and nature of the connection (source-pathway-receptor) is presented in Table 3 below.

Table 3: Summary of Screening Matrix

| European Site Code/ Conservation Objective | Qualifying Interests | Distance from Site/ Connection (source, pathway, receptor) | Likely Significant Effect | Screening Conclusion |
|---|--|---|--|-------------------------------------|
| <p><u>Rye Water Valley/ Carton SAC (site code: 001398)</u></p> <p>To restore and maintain the favourable conservation condition of the habitat and species listed as qualifying</p> | <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> | <p>c.356m.</p> <p>Indirect hydrological and hydrogeological connections (at the operation and construction phases) between the project (source) via surface water</p> | <p>None arising due to the nature of the project, the indirect connections, the hydrogeological conditions of the site and receiving area, the upstream location of the qualifying</p> | <p>Screened out the need for AA</p> |

| | | | | |
|-------------------------|--|---|---|--|
| interests for this SAC. | Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] | discharges to the River Rye Water and on-site groundwater discharges (pathways) connecting to the European site (receptor). | interests of the SAC, and/ or the reasons for the SAC's designation (i.e., the nature of the conservation objective(s) and qualifying interest(s)). | |
|-------------------------|--|---|---|--|

9.7. Identification of Likely Effects

- 9.7.1. As outlined above, the appeal site does not have any habitats that are associated with species or habitats for which SPAs or SACs are designated. Therefore, it is due to construction phase and/ or operation phase related groundwater and/ or surface water pollution that implications for likely significant effects on the European site may arise.
- 9.7.2. The possibility of likely significant effects on the conservation objectives and qualifying interests of the Rye Water Valley/ Carton SAC is presented in Table 3 above. While the presence of surface water hydrological and groundwater hydrogeological pathways are identified, I do not anticipate significant effects to the SAC arising from the project to be likely.
- 9.7.3. My assessment is based on a review of the range of available information and due to several factors including:
- The three QIs of the SAC are all located upstream of the surface water discharge points into the River Rye Water (including that of public system during the operational phase and any potential discharge point from the drainage ditches at/ in the vicinity of the appeal site).
 - All operation phase surface water runoff will be collected, attenuated, and treated onsite prior to being discharged to the public system (at a point on the River Rye Water downstream of the QIs of the SAC).
 - There is no hydrological connection between wastewater from the proposal and the SAC, as all operation phase wastewater will be treated at Leixlip WWTP and discharged to the River Liffey downstream of the SAC.

- Hydrogeology conditions at the appeal site are such that any construction phase pollution or contaminated discharge to groundwater would have a negligible effect on the SAC (i.e. groundwater flow direction of the underground bedrock aquifer is towards the River Liffey/ the coast, groundwater recharge to discharge points in the Dublin groundwater body occur within a distance of 1km, and the closest surface water features to the site are the River Liffey, the Leixlip Reservoir, or the lowest reaches of Rye Water Valley/ Carton SAC, not where the QIs are located in the SAC).
- Separation distances between the site and the SAC and the nature of the QIs are such that likelihood of effects arising from dust, noise and light disturbance can be reasonably excluded.
- There is no pathway for loss or disturbance of the habitat or species associated with the qualifying interests of the SAC.
- The site development works will be managed and controlled in accordance with the CMP and implemented on a phased basis for a determined duration.
- The installation of water services infrastructure connecting into public drainage systems which have sufficient capacity, and incorporation of attenuation and SuDS measures in the design of the project including for a climate change allowance.

9.7.4. In respect of potential for in-combination impacts, from a review of the planning register, I note that there have been some largescale developments permitted in the vicinity of the site. These have been subject to construction management, surface water drainage and wastewater treatment requirements through planning conditions. I note that Natura Impact Reports have been prepared for the Kildare County Development Plan 2023-2029 and the Leixlip Local Area Plan 2020-2023, as extended to 2026, which required groundwater and surface water protection measures to be incorporated into CDP and LAP policy/ objectives. As it is considered that no likely significant effects will arise on the SAC from the project, therefore, by association, significant effects will not arise as a result of any in-combination effects with these individual planning applications or plans.

9.8. Mitigation Measures

9.8.1. No measures designed or intended to avoid or reduce any potentially harmful effects of the project on a European site have been relied upon in this screening exercise.

9.9. Screening Determination

9.9.1. The project is considered in light of the requirements of Section 177U of the 2000 Act as amended. Having carried out screening for appropriate assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on Rye Water Valley/ Carton SAC, or any other European site, in view of that site's conservation objectives and qualifying interests, and that a Stage 2 appropriate assessment, and submission of a Natura Impact Statement, is not required.

10.0 Environmental Impact Assessment

10.1. Statutory Provisions

10.1.1. The proposed development provides for 237 residential units (167 houses and 70 duplex apartments), and a childcare facility. The proposal also includes for a series of open spaces including a main public park (c.5.61ha), hard and soft landscaping, boundary treatments, roads, footpaths, cycle lanes, 303 car and 355 cycle parking spaces, water services infrastructure (water supply, wastewater, and surface water drainage), public lighting, ESB substations, and all other site servicing and development works. The proposal is on a site measuring c.14.34ha that is located in the townland of Leixlip Demesne, in Leixlip.

Requirement for an Environmental Impact Assessment

10.1.2. Section 172(1)(a) of the Planning and Development Act 2000, as amended (2000 Act), and Item 10(b), Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended (2001 Regulations) provides that an EIA is required for infrastructure projects that involve:

- i) Construction of more than 500 dwelling units;
- 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.

- 10.1.3. While the proposed development comprises a subthreshold project in terms of number of units proposed, the total area of the site at c.14.34ha is greater than 10ha for a built-up area and an EIAR has been prepared for the proposal. I note the context for the decision to prepare an EIAR on this basis, and concur that the receiving area of Leixlip can be considered as a built-up area.
- 10.1.4. The following subsections examine the EIAR to ensure that statutory provisions in the 2000 Act (principally in section 171A, Part X) and the 2001 Regulations (principally in article 94, and Items 1 and 2, Schedule 6) have been complied with. These include the content of the EIAR, examination of the likely significant direct and indirect effects, identification of risk of major accidents and disasters, consideration of reasonable alternatives and undertaking of consultations.

Content of the Environmental Impact Assessment Report

- 10.1.5. The EIAR is laid out in three parts, Volume I: Non-Technical Summary, Volume II: Main Body, and Volume III: Appendices. The former fulfils the requirement of article 94(c) of the 2001 Regulations.
- 10.1.6. Chapters 1 and 2 set out the introduction and methodology for the EIAR including, as required by article 94(e), a list of the competent experts involved in preparing the EIAR. Chapters 3 and 5 provide a description of the site, context, and proposed development in accordance with Item 1(a), Schedule 6. Chapter 4 outlines the examination of reasonable alternatives as required by Item 1(d), Schedule 6. Chapters 7 to 18 inclusive examine the likely significant effects, as required by Item 1(b), Schedule 6, of the proposed development on the environmental factors listed in Section 171A(b)(i) of the 2000 Act. Chapter 19 examines the potential of interactions between the environmental factors. Chapter 21 provides a summary of mitigation and monitoring measures in accordance with Item 1(c) and Item 2(g) of Schedule 6.

Likely Significant Direct and Indirect Effects

- 10.1.7. As required by Item 1(b) and Item 2(e) of Schedule 6, the EIAR describes and assesses the direct and indirect significant effects of the project on the specific environmental factors identified in section 171A(b)(i) of the 2000 Act. The environmental factors are: (a) population and human health; (b) biodiversity with

particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. The legislation also requires consideration of the interaction between the factors referred to in these points (a) to (d).

10.1.8. As referred to above, these environmental factors correspond with Chapters 7 to 18 inclusive of the EIAR, and the interaction between the factors corresponds with Chapter 19. The contents and layout of the chapters are relatively consistent, with the description of the receiving environment, identification of the potential impacts arising from the project, presentation of recommended mitigation measures, and prediction and evaluation of the residual impacts of the project with the implementation of the measures.

Risk of Major Accidents and/ or Disasters

10.1.9. Section 171A(b)(ii) of the 2000 Act and supplemented by Item 2(e)(i)(IV) of the 2001 Regulations require that the expected effects derived from the vulnerability of the project to major accidents and/ or disasters as relevant to the project concerned are considered.

10.1.10. The EIAR considers the risk of major accidents and/ or disasters (MADs) within Chapter 2 EIA Process. The potential for a MAD in the documentation referred to by the applicant (relevant industry guidance, EU directives), is typically associated with a project's effect on a Seveso site. The only such site in proximity to the proposed development is the Intel Seveso site which is located 1.2km to the northwest of the appeal site. In having regard to the nature of the proposed development, the receiving environment, and the absence of any source-pathway-receptor linkage for a hazard that could trigger an event constituting a MAD, the applicant scopes out from further consideration and assessment in the EIAR, potential impacts relating to MADs and specifically to the Intel Seveso site, a position with which I agree.

10.1.11. The risks of potential accidents and/ or natural events are addressed in the relevant chapters of the EIAR. For example, that of geohazards is addressed in Chapter 9 Land, Soils & Geology, where the likelihood of significant effects (earthquakes, landslides, radon) is identified as low due to the nature of the area's geology (no karst features in or adjacent to the site). Chapter 10 Hydrology and

Hydrogeology considers flood risk and concludes there are no likely significant effects arising from potential flooding events (the SSFRA for the project indicates the appeal site is located within Flood Zone C and that there is no risk from tidal, fluvial, pluvial, groundwater, or human/ mechanical error flooding).

10.1.12. Chapter 14 Material Assets: Traffic and Transportation identifies increasing traffic movements during the construction phase and addresses these with mitigation measures including the preparation and agreement of a final Construction Management Plan (CMP) and a Traffic Management Plan (TMP). I note that traffic safety is not identified as a likely significant effect during the operational phase of the project due to the safe design and operation of the internal roads and paths, site entrance, and external junctions (as is demonstrated in the separate Stage 1/ 2 Road Safety Audit (including a Designer's Response report) and DMURS Statement of Consistency report).

10.1.13. I consider that due to the nature of the receiving area, the surrounding land uses, and the absence of any Seveso II Directive sites within 1km of the proposed development, the potential risk posed by a major accident and/ or disaster is low. Also, due to the nature of the proposed project, a residential scheme with ancillary uses and noting the results of the SSFRA and the CMP as I identified above, I consider that there are no significant risks arising from the operation of the project. Overall, I consider the risk of major accidents and/ or disasters to be low.

Reasonable Alternatives

10.1.14. Item 1(d) and Item 2(b), Schedule 6 of the 2001 Regulations require that reasonable alternatives be considered. Chapter 4 of the EIAR addresses the alternatives considered. The site is identified as being primarily zoned for residential purposes and within a Key Development Area (KDA) of Leixlip town. The applicant outlines alternatives considered for the site, which primarily relate to variations in the design and layout of the project, and those subject to pre-planning consultations held with the planning authority. No alternatives are considered in the EIAR in respect of locations, uses or processes.

10.1.15. Having regard to the policy context (majority zoning and within a KDA), and the site context (access arrangements, adjacent to Leixlip Castle Demesne, M4 motorway), I am satisfied that alternative locations, uses and processes are not

relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the legislative requirements.

Consultations

10.1.16. The 2000 Act and the 2001 Regulations include for information being made available, consultations being facilitated, and public participation in the EIA process. I am satisfied that the participation of the public has been effective, and the application and appeal documentation has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

Conclusion on Statutory Provisions

10.1.17. In conclusion, I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, that a non-technical summary has been provided in language that is understood, that reasonable alternatives have been considered, and consultations with the decision-making process have been facilitated.

10.2. Assessment of the Likely Significant Direct and Indirect Effects

10.2.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in section 171A(b)(i) of the 2000 Act:

- (a) Population and human health
- (b) Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC
- (c) Land, soil, water, air, and climate
- (d) Material assets, cultural heritage, and the landscape, and
- The interaction between the factors referred to in points (a) to (d).

10.2.2. Within each of the environmental factors listed above, as relevant I also examine and assess the mitigation measures identified to avoid, prevent, or reduce and where possible offset likely negative significant effects on the environment. My EIA is

based on the information provided by the applicant, including the EIAR and the range of accompanying documentation (listed in section 3.0 above), with regard had to the information contained in the submissions from the observers and prescribed bodies, the appeal from the appellant, the decision and internal reports of the planning authority, and on my site inspection.

10.2.3. In undertaking this EIA and determining the significance of effects on the environment, I have had regard to the requirements of the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, DoHPLG, 2018, and of the Guidelines on the information to be contained in Environmental Impact Assessment Reports, EPA, May 2022 (in particular Table 3.4 Description of Effects).

10.2.4. In sections 3.0, 4.0, and 7.0 of this report, I have presented the planning authority's LRD opinion and decision, the submissions from observers and prescribed bodies received by the planning authority during its assessment, and the grounds of appeal from the appellant. I consider that the main issues of particular relevance and applicability to this EIA to be:

- Population and Human Health
- Biodiversity
- Water (hydrology and hydrogeology)
- Material Assets: Site Services (surface water drainage)
- Cultural Heritage (architectural heritage)

10.2.5. This EIA has had regard to the planning assessment of the relevant issues set out in section 8.0 and to the appropriate assessment set out in section 9.0 of this report. This EIA section of the report should therefore be read in conjunction with those sections.

10.3. **(a) Population and Human Health**

10.3.1. Chapter 7 of the EIAR considers the population and human health category of the environment. Key baseline information is provided on economic activity, settlement and land use patterns, population, demographic trends, housing, social infrastructure, and health. The CSO 2022 census information for Leixlip town

indicates a population of 16,686 persons. Based on the average 2022 census household size of 2.74 persons, the population increase associated with the proposed development is c.650 persons. The proposal includes a dedicated childcare facility (278sqm, capacity for 50 children, employing 12 staff members), and extensive open space areas including a main public park.

- 10.3.2. Potential impacts identified are those associated with and arising from the other environmental categories, at both construction and operation phases, several of which I identify in the following subsections. Potential impacts of note include those pertaining to air, noise, waste, traffic, site services, and visual impact. These impacts are predominantly negative in quality, and several are deemed to be significant in the absence of mitigation.
- 10.3.3. Mitigation measures recommended to address construction phase impacts focus on the implementation of specific plans, namely finalised versions of the CMP and a Construction Waste Management Plan (CWMP). In respect of both the construction and operation phases, reference is broadly made to the mitigation measures devised for each environmental category (included in Chapter 21 of the EIAR) which have an interaction with the population and human health environmental category. No further specific mitigation measures are recommended for the operation phase.
- 10.3.4. With the implementation of the above mitigation measures, the potential significant negative effects identified at construction phase on surface water and wastewater drainage are addressed and no residual impacts are predicted. For the operation phase, the predicted residual impact on surface water remains as initially classified, i.e., as positive significant in effect. For wastewater drainage, the degree of impact improves to neutral significant in effect, as while the proposal will increase the demand on the existing wastewater drainage and Leixlip WWTP, confirmation of connection to the wastewater network without infrastructure upgrades and availability of capacity in the upgraded and expanded WWTP have been demonstrated.
- 10.3.5. As is discussed in section 10.6 below in respect of material assets: site services, while I concur with the applicant's finding of significant positive effect on surface water, I do not find the impact arising from wastewater drainage to be significant neutral in effect largely due to this component not being a sensitive aspect of the environment (the public system has capacity, wastewater is being collected and

treated, and demonstrated as not having adverse impacts on discharge to Dublin Bay).

10.3.6. I have reviewed the accompanying Social Infrastructure Audit (initial and as revised in the FI response) and Childcare Demand Report and consider the applicant has demonstrated that there is sufficient capacity in facilities and services in the area to cater for the proposal, and that supporting services and facilities to serve the growing population are being provided and will continue to be. On the whole, I consider the proposed development to result in several positive impacts including those related to increased economic activity, increased provision of housing, increased population (c.650 persons in a town of c.16,690), thereby creating a new community in the town with services and amenities.

10.3.7. I consider that once operational, overall, the scheme will predominantly exert a moderate to significant positive effect on population and human health as the character of the environment, which is a sensitive aspect of the environment, will be altered in a manner that is consistent with existing and emerging patterns of development and the change improves the quality of the environment by improving residential amenities.

Conclusion

10.3.8. In conclusion, I am satisfied that all likely significant negative effects on population and human health would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely moderate to significant positive effects in terms of population and human health.

10.4. **(b) Biodiversity, with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**

10.4.1. Chapter 8 of the EIAR considers the biodiversity (including protected species and habitats) category of the environment. The chapter refers to the contents of relevant accompanying documents, including the Infrastructure Design Report, Appropriate Assessment Screening Report (AASR), Bat Metadata, and Arboricultural Report (standalone and/ or included in Volume III: Appendices of the EIAR).

- 10.4.2. Notable ecological and biodiversity features pertaining to the site include the potential hydrological and hydrogeological connections to the Rye Water Valley/ Carton pNHA and Liffey Valley pNHA (via surface water runoff to the drainage network east of the site (which discharges to the lower River Rye Water and River Liffey) or groundwater discharge to the bedrock aquifer beneath the site (which flows in the direction of the River Liffey). Impact on European sites (Rye Water Valley/ Carton SAC and Dublin Bay (downstream River Liffey) SPAs/ SACs) are reasonably excluded based on the conclusions of the AASR (I direct the Board to section 9.0 of this report for my appropriate assessment screening of the proposal).
- 10.4.3. Several habitats are identified at the site, most notably the drainage ditches, hedgerows, treelines, woodland, and scrub offering foraging, commuting and potential nesting habitat to several creatures. Non volant (land based) mammals identified at the site include badgers (commuting evidence, no setts), fox, rabbit, with (protected species) red squirrel, hedgehogs, and pine martens considered possibly present (due to the presence of suitable habitats). Three bat species (common pipistrelle, soprano pipistrelle, and Leisler's bat) were recorded at the site using favourable habitat (treelines, woodlands, hedgerows) for commuting and foraging. No bat roosts were recorded, and potential bat roosts identified at the site include individual trees (horse chestnut, ash, oak). 20 bird species were recorded at the site (one red-listed (meadow pipit), several amber-listed), including evidence of breeding activity. While no amphibians, reptiles, or fish were noted at the site, due to the favourable habitat (drainage ditches, surface water connections to watercourses) there is potential for presence. No listed invasive species noted, though several species with invasive tendencies were noted (cherry laurel, montbretia).
- 10.4.4. The chapter focuses on the key ecological receptors (KERs) identified at the site and within the receiving area. These require assessment due to ecological value (if higher than 'local importance (higher value)') and potential for likely significant impact. The KERs identified for assessment include designated sites (Rye Water Valley/ Carton pNHA, Liffey Valley pNHA), habitats (hedgerows, treelines, woodland, scrub, stonewalls, drainage ditches, grassland), mammals, bats, birds, aquatic species, amphibians, common lizard, and invasive species.

- 10.4.5. Potential impacts during the construction phase include those on designated sites (surface water and/ or groundwater pollution of Rye Water Valley/ Carton pNHA and Liffey Valley pNHA via the proximate watercourses); habitats (substantial loss of scrub, potential damage to root zones of trees/ treelines or fragmentation caused to treelines and woodland to be retained, removal of hedgerow in west of site, infilling of the north-south drainage ditch cause a loss of spawning habitat for amphibians, repairing and repointing of stonewall boundary cause a loss in microhabitats for birds, lizards, removal of grasslands cause a loss in floral diversity and pollinators); non volant mammals (loss of habitat used for foraging and commuting, risk of injury, noise and dust nuisance); unrestricted spread of invasive species; birds (loss of habitat used for nesting and foraging, risk of injury, noise and dust nuisance); bats (loss of habitat used for foraging and commuting (individual trees/ fragmentation in treelines), risk of injury, noise and dust nuisance); amphibians (loss of habitat (central drainage ditch) and risk of injury); aquatic fauna (pollution risk to habitat (downstream watercourses due to hydrological connection); and common lizard (loss of habitat (scrub, grassland, hedgerow, stonewall) and risk of injury). These potential impacts are identified as being predominantly negative in quality and vary in slight, moderate and significant in significance of effect.
- 10.4.6. Potential impacts during the operation phase include a negative significant impact arising from the spread of invasive species due to increased landscaping, increased human activity is identified as causing negative moderate impacts on non-volant mammals, birds, and bats from increased presence, noise, and/ or nighttime public lighting. There are no operational phase impacts anticipated for designated sites, KER habitats (loss or modification), amphibians, aquatic fauna, or common lizard.
- 10.4.7. Mitigation measures identified for the construction phase are extensive and include those relating to the protection of KERs, aquatic species and fauna, the timing and manner of vegetation clearance, and the prevention of invasive species. Operational phase mitigation measures focus on the landscape plan, public lighting plan, and targeted measures for bats, birds, and biosecurity.
- 10.4.8. On implementation of the mitigation measures, residual impacts predicted as being significant in effect include those for habitat (removal of central drainage ditch and construction of wetlands habitat) providing wetlands habitat which are designed for

biodiversity value (topography, water depth, wetlands plant species), and for amphibians (creation of wetlands). (Note: an area of 4,746sqm of is cited in Table 8.19, and a different figure is provided elsewhere in the chapter (eg. 6,746sqm). I have reviewed the Infrastructure Design Report which indicates a commensurate area of 5,200 sqm for the constructed wetlands, and I calculate a total maximum area c.8,050sqm for the wetlands habitat inclusive of all nature based SuDS (constructed wetlands, retention pond, swales). These residual impacts are both classified as positive, local, permanent, and significant in effect.

10.4.9. Other residual impacts of note include that for habitat (existing hedgerow being replaced with new hedgerow (new planting of 355m is a net gain by 47m from that removed), treelines and woodland being retained (60 individual trees within treelines are to be felled due to poor condition or location) and supplemented with new planting (411 trees) to fill gaps) is classified as positive, local, permanent and slight in effect. Unavoidable adverse impacts are identified for habitat (substantial loss of scrub notwithstanding new planting of shrubs, grassland, and meadows, managed to promote biodiversity), and for mammals and birds (disturbance due to increased human presence/ public lighting at operation phase) which are classified as negative, local, permanent and slight in effect. The residual impacts predicted for the remaining KERs (designated sites, habitats (woodland, stonewalls, grassland), bats, aquatic species, common lizard, and invasive species) and other impacts in respect of the previously referred to KERs (eg. loss of habitat, mortality risk for mammals and birds) are all classified simply as neutral in effect.

10.4.10. I concur with the applicant's findings on the likely significance of the residual impacts in respect of biodiversity. Further to the classification of neutral for the remaining KERs, I find these to be imperceptible in terms of significance. I conclude that the predicted impacts on biodiversity for habitat (creation of wetlands) and amphibians is significant positive in effect as as a sensitive aspect of the environment will be altered, and the change improves the quality of the environment and increases habitat for species. Predicted impacts on habitat (scrub), mammals and birds (increased human activity) are slight negative in effect as a noticeable change occurs to the character of the environment without affecting its sensitivities, and the chance reduces the quality of the environment by removing habitat and

causing a nuisance. Predicted impacts on remaining KERs are imperceptible neutral in effect as a change capable of measurement will be caused to the character of the environment but without significant consequences, and the change is within normal bounds of variation for same.

Conclusion

10.4.11. In conclusion, I am satisfied that all likely significant negative effects on biodiversity would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant positive effects in terms of biodiversity (habitat (creation of wetlands) and amphibians), and likely slight negative effects or likely imperceptible neutral effects in terms of biodiversity for all other KERs.

10.5. (c) Land, Soil, Water, Air, and Climate

10.5.1. Within the applicant's EIAR, this group of environmental categories is considered in Chapter 9 Land, Soils and Geology, Chapter 10 Hydrology and Hydrogeology, Chapter 11 Air and Climate, and Chapter 12 Noise and Vibration.

Land and Soils (and Geology)

10.5.2. Chapter 9 of the EIAR considers the lands, soils, and geology context for the site. The historical use of the lands is outlined, including reference to the M4 motorway construction during the mid-1990s, subsequent importation of infill material to the north/ centre of the site (with modification of ground levels by between c.1.5m-4m as land above 54mOD is likely compromised infill material, and the creation of the embankment/ berm to the south of the site). The soil and geology underlying the proposal is rated as being of 'low' importance (thick (in excess of 3.4m) low permeability subsoils with very low infiltration potential). There are no geological heritage sites, granular aggregate potential materials or geohazards recorded within the site, and the economic extraction of crushed rock aggregate is deemed not to be feasible.

10.5.3. Potential impacts during the construction phase include land take (c.14.34ha of undeveloped lands), excavation of soil and subsoil (loss of in-situ material, removal

of historic infill material (c.125,000m³), retain material on site, reuse material for the enhancement of M4 embankment, surplus material removed off-site under Article 27 process, off-site to waste facility if not suitable), soil quality and contamination (material to be reused to be control tested, potential pollution risk from using cement and other contaminant materials), importation of aggregates (risk of importing from unlicensed sources), soil structure (soil/ subsoil can oxidise (due to sulphur content) when excavated and stockpiled, weakening the natural strength of material). These potential impacts are identified as being predominantly negative in quality and moderate to significant in significance of effect.

- 10.5.4. The potential for impacts at the operation phase is stated as being low as there will be no excavation of soils or discharges to ground (the retention pond and construction wetlands are to be lined with bentonite and will discharge to the surface water network). All trafficked areas will be paved and connected to the surface water drainage network, therefore preventing any discharge or potential impact to the ground (land, soil, and geology) environment. The potential impact of a worst-case scenario (spill incident and failure of containment) is identified as negative in quality and moderate to significant in significance of effect.
- 10.5.5. Mitigation measures identified for the construction phase are extensive and include those relating to the importation of aggregates, airborne dust generation, reuse of soil, management of soils and stockpiles, export of resource (soil and bedrock) and waste, management of dust, handling of fuels, chemicals and materials, emergency procedures, and welfare facilities. Mitigation measures identified for the operation phase relate to the incorporation and maintenance of SuDS measures in the scheme.
- 10.5.6. On implementation of the mitigation measures, a residual impact predicted as being significant in effect includes that arising from land take, which is described as unavoidable with no mitigation available. The residual impact from excavation of soil/ subsoil is moderate to significant in effect, also described as unavoidable with no mitigation available, though caveated that the underlying soil and bedrock is of low importance. The remaining construction and operation phase activities have residual impacts which are described as imperceptible in effect.

10.5.7. Having regard to the zoned and serviceable nature of the site, its inclusion in the Celbridge Road East KDA identified for Phase 1 development in the Leixlip LAP, and the low importance value of the soil/ subsoil resource, I consider that the impacts associated with construction phase land take and excavation of soil/ subsoil are moderate neutral in effect. These classifications are reduced in significance from those identified in the chapter. This is because I am satisfied that the impacts (as described by the applicant and outlined in other documentation, in particular as addressed in the CMP), align with the definitions for moderate neutral in the EPA Guidelines 2022. That being, the character of the environment will be altered in a manner that is consistent with existing and emerging patterns of development and the alteration is within normal bounds of variation for same. I do not consider the impacts associated with land take and excavation of soil/ subsoil to be significant in effect as these do not come within the scope of significant effect as defined in the EPA, i.e., the effect is not altering a sensitive aspect of the environment. I agree with the applicant, and I find the remaining construction and operation phase activities to have imperceptible neutral effects.

Conclusion

10.5.8. In conclusion, I am satisfied that all likely significant negative effects on land, soils and geology would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral or moderate neutral effects in terms of land, soils, and geology.

Water (Hydrology and Hydrogeology)

10.5.9. Chapter 10 of the EIAR considers the hydrology and hydrogeology context of the site. Of hydrology, the site is located within two Water Framework Directive (WFD) catchments, the west of the site is in WFD Rye Water_040 catchment and the east of the site is within the Liffey_150 river sub-catchment. The WFD status has been assigned as 'moderate' for the Rye Water_040 and 'good' for the Liffey_150. Surface water discharges to the drainage ditches within the site as overland flow, which ultimately discharge into the River Rye Water via connection with an unnamed stream/ surface water drain. Groundwater flow to the east of the site is understood

to flow towards the River Liffey, while groundwater flow to the west of the site drains towards the River Rye Water.

10.5.10. Of hydrogeology, underlying the site is the Lucan Formation bedrock aquifer, part of the wider Dublin groundwater body, classified as locally important and moderately productive. The GSI has assigned a groundwater vulnerability of 'moderate' to the groundwater under the site, and the WFD status has been assigned as 'good'. The subsoils underlying the site are of low permeability with very low infiltration potential. The ground investigations indicate that the depth to bedrock is greater than 3.4m bgl, and based on the groundwater vulnerability rating of moderate and the low permeability of the subsoils, the depth to bedrock is predicted as between 5m and 10m bgl. There are no karst features (which are particularly vulnerable to pollution) within the site boundary. The hydrological and hydrogeological features associated with the site are deemed to be of 'medium' importance (the second lowest classification of importance). The potential receptors of surface water and/ or groundwater from the site are identified as the underlying Lucan Formation bedrock aquifer, River Liffey, River Rye Water, Leixlip Reservoir, and Rye Water Valley/ Carton SAC.

10.5.11. Potential impacts at the construction phase include dewatering works and groundwater flow (localised dewatering or sump pumping during the excavation construction works of the retention pond, wetlands, and utilities (c.1.85m bgl) due to encountering groundwater, appropriate measures to enable working in the dry for the construction of the retention pond and constructed wetlands, and methods to minimise the volume of dewatering), water management and water quality (several potential sources of contamination to surface water, groundwater, and potential receptors (bedrock aquifer, watercourses, the SAC)), potential for disturbance during the removal of the central drainage ditch (on the ditch floor and banks, with increased suspended solids tracking downstream to the River Rye Water), concrete works (pollution risk associated with use of cementitious material as groundwater may be encountered during subsurface works, the anchor trench surrounding the retention pond and construction wetlands is comprised of a specialist designed bentonite liner which is chemically inert and does not pose a risk to groundwater), and importation of aggregates (risk of contaminated material entering the ground at

site). These potential impacts are identified as being predominantly negative in quality and vary in significance of effect between slight, moderate, and significant.

10.5.12. Potential impacts at the operation phase focus primarily on water quality (only rainfall on public open spaces will infiltrate to ground, there are no discharges to ground from surface water drainage (the retention pond and construction wetlands will be lined with impermeable bentonite seal), surface water will pass through a two-stage treatment process prior to discharge to the River Rye Water, including natural based SuDS (bio-swale, retention pond) and proprietary system SuDS (bypass petrol interceptor), wastewater will be collected and discharged for treatment at the Leixlip WWTP). Impacts arising from drainage and flood risk do not occur (proposal includes SuDS measures, designed in accordance with GDSDS, site not in a flood risk zone, proposal designed to not result in a flood risk at the site or elsewhere). Therefore, the potential impacts associated with water quality are those relating to surface water drainage (not wastewater), are identified as negative moderate in effect for the River Rye Water, and negative slight in effect for the River Liffey.

10.5.13. Mitigation measures identified for the construction phase are extensive and include those relating to the Construction Management Plan (CMP), management of water and surface water runoff, handling of fuels and hazardous materials, concrete works, emergency procedures, stockpile management, welfare facilities, dewatering, and wheel wash and water treatment facilities. Operation phase mitigation measures relate to monitoring and maintenance of SuDS measures and interceptors.

10.5.14. On implementation of the mitigation measures, there are no residual impacts predicted at either construction or operation phase which are classified as being significant in effect. Residual impacts for construction activities such as dewatering, pollution risk, earthworks release of sediments, import of aggregates, and operation activities such as SuDS management are considered imperceptible in effect.

10.5.15. On consideration of information provided in other EIAR chapters and supporting reports, and I do not concur with the applicant's findings on the likely significance of the residual impacts. I consider that the predicted impacts at both construction and operation phase on hydrology and hydrogeology are moderate neutral in effect, as the character of the environment will be altered in a manner that is consistent with existing and emerging patterns of development, and the alteration

is within normal bounds of variation for same. The proposal involves the removal/ infilling of the central drainage ditch and its replacement with wetlands, retention pond, and swale, which are required nature-based SuDS features in new developments, and surface water, after a two-step filtration and treatment process, similarly required in new developments, will discharge via the existing public system to the River Rye Water. While I note that residual impacts with significant effects have been predicted for biodiversity (habitat: removal of drainage ditch and creation of wetlands) and material assets (site services: surface water), I do not consider this to be the case for hydrology and hydrogeology as these are not a sensitive aspect of the environment (site subsoils are of low impermeability, relatively deep bedrock level, no karst features, WFD statuses of moderate to good, groundwater vulnerability moderate, and overall classification of medium importance, is the second lowest such classification).

Conclusion

10.5.16. In conclusion, I am satisfied that all likely significant negative effects on hydrology and hydrogeology would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely moderate neutral effects in terms of hydrology and hydrogeology.

Air and Climate

10.5.17. Chapter 11 of the EIAR considers the air quality (ambient standards) and climatic factors (macro and microclimate, rainfall, and wind) pertaining to the site and identifies sensitive receptors within 100m of the site (residences in Leixlip Park and Barnhall Meadows). The chapter refers to the findings of the Transport Assessment and the Site-Specific Flood Risk Assessment (SSFRA) (included in Volume III: Appendices of the EIAR and a standalone report with the application).

10.5.18. Potential impacts for air quality at the construction phase relate predominantly to dust deposition, elevated particulate matter concentrations (PM₁₀ and PM_{2.5}) from dust generating activities, and an increase in concentrations of airborne particles, volatile organic compounds, nitrogen oxides, and sulphur oxides due to exhaust emissions from vehicles and equipment. From a consideration of the location of the

sensitive receptors (residences north and northwest of the site), prevailing wind directions, frequencies and strengths, conditions which would cause fugitive dust emissions at the receptors are described as highly infrequent. Similarly, dust emissions from on-site machinery and site traffic are considered unlikely to make a significant impact on local air quality. An increase in air pollutants due to construction phase traffic and machinery is considered to be marginal and well within industry standards for ambient air quality. Impacts due to vehicle emissions is dependent on the number of additional vehicle movements, the proportion of HGVs and the proximity of sensitive receptors to site access routes. As construction traffic is not expected to result in a significant change (the criterion is an increase of >10% in the annual average daily traffic (AADT) flows near to sensitive receptors), potential impacts are not predicted to be significant in effect. In respect of climate, potential impacts due to combustion emissions from onsite machinery and traffic derived pollutants of CO₂ and NO₂ are identified though in terms of an effect on national GHG emissions, considered to be insignificant.

10.5.19. Potential impacts at the operation phase associated with air emissions associated with traffic-related and building-performance. Of traffic generation, consideration is given to industry standard criteria beyond which an air quality assessment is required (which would be indicative of significant effect), none of which are met by the proposed development (e.g. change in HGV flows, realignment of roads, changes in daily and peak hour average speeds). Of building-performance, the design and construction of all buildings will accord with the Building Regulations which will ensure the use of modern building materials that are designed to be thermally efficient and therefore cause no potential significant impact on the existing ambient air quality in the vicinity of the site. In respect of climate, impacts associated with increased risk of flooding are discounted due to separation distances to rivers and/ or the sea, otherwise potential impacts for building energy performance and GHG from traffic emissions are the same as air quality.

10.5.20. Mitigation measures in respect of air quality identified for the construction phase include those relating to the CMP (spraying exposed earthworks, wheel washes, covering stockpiles, speed restrictions, sweeping hard surfaces), erection of 1.8m hoarding around the site perimeter, and location of fuel-based generators away

from sensitive receptors. No mitigation measures are identified for the operation phase due to the potential impact on air quality being identified as negligible. In respect of climate, no specific mitigation measures are proposed for construction or operation phase above those for air quality.

10.5.21. With the implementation of these measures, no significant residual impacts are predicted during either the construction or operation phases. Residual impacts referred to include those associated with increased long term traffic activity in the vicinity of the site, however for air quality these are considered to be negligible and for climatic impacts, marginal. I concur with the applicant's findings on the likely significance of the residual impacts. I conclude that the predicted impacts at both construction and operation phase on air and climate are imperceptible neutral in effect, as a change capable of measurement will be caused to the character of the environment but without significant consequences, and the change is within normal bounds of variation for same.

Conclusion

10.5.22. In conclusion, I am satisfied that all likely significant negative effects on air and climate would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of air and climate.

Noise and Vibration

10.5.23. Chapter 12 of the EIAR considers the noise conditions pertaining to the site, with reference to the Noise Impact Assessment (NIA) included in Volume III: Appendices of the EIAR, and identifies proximate noise sensitive receptors (three residences in Leixlip Park and Wogansfield are selected as NSRs). Key noise producing sources in the receiving area are the M4 motorway adjacent to the south of the site and Weston Airport c.900m further to the south. The latter is not a defined 'major airport', does not operate commercially or during nighttime hours, and flight paths are not over the site. The baseline noise survey (seven monitoring locations (one proximate to the entrance at the Celbridge Road, six within the site), and assessment have incorporated all road and air traffic noise levels measured on site.

10.5.24. Potential impacts at the construction phase include those arising from four distinct periods of site clearance/ preparation, foundation formation, general construction, and landscaping. Noise predictions for each period (based on types of machinery, noise generation of each, hours of operation, erection of hoarding) at the three NSRs indicate that all predicted construction noise levels are within the necessary construction noise significance threshold (70bD Laeq.T), and therefore complaint. Potential impacts at the operation phase are centred on those arising from existing traffic noise sources on the proposed residences. The notable set back of the proposed dwellings from the M4 motorway and the proposed increase of the existing embankment (to 5m high) are highlighted in reducing noise impacts from road traffic to both external (public spaces), and dwelling façades and amenity areas. Predicted noise levels indicate proposed dwellings most proximate to or with facades facing the M4 will experience higher noise levels and in addition to the acoustic screening provided by the buildings themselves, and the extent of acoustic attenuation due to the relevant distances, require appropriate noise insulation (i.e., glazing and acoustically rated ventilators).

10.5.25. Mitigation measures identified for the construction phase include those relating to the manner in which new courses are introduced onto the site (type of equipment, choice of location), noise control audits, adherence to best practice guidelines (BS 5228), liaison with neighbours, noise monitoring, working hours, control of noise source, and screening measures. Operation phase mitigation measures relate to provision of glazing with minimum sound insulation at properties most proximate to the M4, and acoustic attenuation to ventilation systems for dwellings exposed to the highest levels of traffic noise.

10.5.26. With the implementation of these measures, the applicant finds that no significant residual impacts are anticipated during either the construction or operation phases. I concur with the applicant's findings on the likely significance of the residual impacts. I conclude that the predicted impacts at both construction and operation phase on noise and vibration are imperceptible neutral in effect, as a change capable of measurement will be caused to the character of the environment but without significant consequences, and the change is within normal bounds of variation for same.

Conclusion

10.5.27. In conclusion, I am satisfied that all likely significant negative effects on noise and vibration would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of noise and vibration.

Overall Conclusion for (c) Land, Soil, Water, Air, and Climate

10.5.28. In overall conclusion, I am satisfied that all likely significant negative effects on land, soil, water, air (including noise and vibration), and climate would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral or moderate neutral effects in terms of land and soil, likely moderate neutral effects in terms of water (hydrology and hydrogeology), and likely imperceptible neutral effects in terms of air (including noise and vibration) and climate.

10.6. (d) Material Assets, Cultural Heritage, and the Landscape

10.6.1. Within the applicant's EIAR, this group of environmental categories is considered in Chapter 13 Material Assets: Waste, Chapter 14 Material Assets: Traffic and Transportation, Chapter 15 Material Assets: Site Services, Chapter 16 Cultural Heritage: Architectural Heritage, Chapter 17 Cultural Heritage: Archaeology, and Chapter 18 Landscape and Visual Impact Assessment.

Material Assets: Waste

10.6.2. Chapter 13 of the EIAR considers the material assets: waste category of the environment. The proposed development involves excavation works to construct foundations (formation level of c.1.27m bgl), roads, services, surface water drainage (constructed wetland and pond at a depth of c.1.85m bgl), landscape features and an enhanced embankment along the M4. The proposed development involves the excavation of an estimated c.125,000m³ from within the site, largely associated with the artificial infill material from the construction of the M4, to be reused within the

proposal for the expanded/ enlarged southern embankment. Waste production will be associated with the phased construction works over a three-year period and once operational, waste will be generated by residences and the childcare facility.

- 10.6.3. Potential impacts identified include those during construction phase if the reuse of excavated material is not maximised within the scheme, excavated material is not correctly stored, classified and segregated, aggregate, fill material and topsoil imported to the site are not appropriately vetted, waste materials are not managed, segregated and stored correctly, if waste materials are not sufficiently reused, recycled, or recovered, non-permitted waste contractors or unauthorised waste facilities being used for waste disposal, if waste material from construction workers is not appropriately separated, stored, and disposed of. These potential impacts are identified as being negative, moderate, and short term in effect.
- 10.6.4. At operation phase, the main potential impacts identified are an increase in the production of municipal waste in the region and an increased demand on waste collectors and treatment facilities. An increase in waste production can result in adverse impacts if waste is unnecessarily disposed of to landfill, waste materials are not managed and stored correctly, or non-permitted waste contractors or unauthorised waste facilities are used for waste disposal. These potential impacts are identified as being negative, moderate, and long-term, in effect.
- 10.6.5. Mitigation measures recommended to address the potential construction impacts include the implementation of a project specific CDWMP, preparation of detailed calculations of the quantities of topsoil, subsoil, and green waste, testing of soils to confirm they are clean, inert or non-hazardous, consideration of excavated soil and stone as a by-product under Article 27 of the European Communities (Waste Directive) Regulations 2011, separation of waste material at source, removal of material from site for reuse, recovery, recycling and/ or disposal, appointment of a fully authorised waste management company/ contractor to manage all construction waste, recording of waste quantities and types with retention of records onsite for the duration of the construction phase. Operation phase mitigation measures include implementation of a project specific OWMP, adequate provision of labelled and colour coded bins, segregation of waste, waste collected will be reused, recycled,

recovered as much as possible, and waste transported appropriately and taken to licenced facilities.

- 10.6.6. With the implementation of these measures, the applicant finds that no significant residual impacts are anticipated during either the construction or operation phases. I concur with the applicant's findings on the likely significance of the residual impacts due to the robustness of the associated waste management plans and the legislative context controlling same. I conclude that the predicted impacts at both construction and operation phases are imperceptible neutral in effect with variation in duration times. I consider that overall, the scheme will predominantly exert an imperceptible neutral effect on material assets: waste as a change capable of measurement will be caused to the character of the environment but without significant consequences, and the change is within normal bounds of variation for same.

Conclusion

- 10.6.7. In conclusion, I am satisfied that all likely significant negative effects on material assets: waste would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that overall, the proposed development would have likely imperceptible neutral effects in terms of material assets: waste.

Material Assets: Traffic and Transportation

- 10.6.8. Chapter 14 of the EIAR considers the material assets: traffic and transportation category of the environment. The chapter expands on the findings of the separate Transport Assessment, Mobility Management Plan (MMP), and Construction Management Plan (CMP) included in Volume III: Appendices of the EIAR. The receiving area is noted as having a well-established network of footways providing access to local community facilities including along the majority of the Celbridge Road (R404), the primary access route to the site, and in adjacent residential areas such as Leixlip Park. Signalised junctions and pedestrian crossings are also provided in proximity to the site, including at the junction of Celbridge Road and Barnhall Meadows. There are no known road safety issues with the existing site access and the adjoining road network. The existing road network is observed to operate within capacity during the peak weekday AM and PM periods, with no

noticeable delays in movement. The site is described as easily accessible, being within a 20-minute walk and a 10-minute cycle from the existing site entrance to Leixlip town centre. Details are provided of available public transport (Dublin Bus, Bus Connects, and private bus operators) available in proximity to the site (three bus-stops are located on the Celbridge Road, serving each direction). All bus services are within a 5-10 minute walk of the site and operate frequently during the weekday and weekend. The site is c.1.8km from Leixlip Louisa Bridge and c.2.3km from Leixlip Confey train stations.

10.6.9. Potential impacts identified include those anticipated for both construction and operation phases at the new main entrance (a proposed fourth arm to the existing Celbridge Road/ Barnhall Meadow signalised T junction), and on the local road network, including junctions with Celbridge Road at Station Road (R148) and the former Hewlitt Packard entrance. The construction phase is anticipated as lasting c.36 months, with an average of 75 to 90 personnel (including subcontractors) a day on site, increasing in a peak period to 150 personnel, resulting in 300 two-way daily car trips to and from site. From the baseline traffic counting analysis, the estimated 2022 annual average daily traffic (AADT) flow along Celbridge Road to the north of the site access is 7,192 vehicles. The estimated personnel/ visitor trips over the construction phase represent a maximum increase of 4% in daily traffic along Celbridge Road, an impact which is classified as a not significant effect to the local road network. In respect of HGV movements, the most impactful part of the construction period is identified as during ground works. An initial average of 25 HGVs accessing the site is anticipated to increase to 40 HGVs, with the resultant 80 two-way HGV trips accessing and egressing from the site being spread across a 10-hour working day. The proposed route for construction traffic is to access the site from the south along Celbridge Road using the M4 motorway/ wider national road network. This route would minimise the impact on Leixlip town centre, schools, and large residential areas to the north of the site. When assessed against the 2022 AADT flows along Celbridge Road to the south of the site access, the HGV trips represent a maximum increase of c.1.2%, an impact that is classified as an imperceptible effect to the local road network.

10.6.10. Potential impacts at the operation phase are determined through trip generation, distribution, and junction performance assessment. The trip generation exercise uses TRICS data for the applicable land uses and residential typologies, and estimates the proposal generating 143 two-way vehicle trips in the AM peak and 237 in the PM peak. The trips are distributed through the local road network based on traffic movements observed at the baseline analysis undertaken in 2022. The subsequent assessment of four key junctions (i.e., the % change in traffic at each junction from that recorded in the 2022 AM and PM peaks) indicates that only the Celbridge Road/ Barnhall Meadows priority junction experiences an increase in excess of 10% due to the operation of the proposed development. Further modelling and capacity analysis undertaken for this junction (in the opening year 2026, +5 in 2031 and +15 in 2041) demonstrates that the traffic generated by the proposed development would not have any discernible effect on the operation or queuing levels at the junction. Further analysis of the impact of the proposed development once operational on the wider road network includes a finding that in the opening year 2026, the proposal will result in a maximum increase of 3.75% on 2022 AADT flows along Celbridge Road north of the site access, which is classified as a not significant effect on the local road network.

10.6.11. The EIAR acknowledges that while the potential impacts identified during the construction and operation phases are predominantly not significant in effect, mitigation measures are proposed to further address any adverse impacts. The proposed measures to address the imperceptible to not significant effects identified during the construction phase are the implementation of the CMP which incorporates a traffic management plan. The CMP includes several practical measures to ameliorate potential effects such as managing additional traffic, encouraging personnel car-sharing, personnel trips outside of peak periods, restricting times for HGV trips and deliveries outside of peak periods, wheel washing and dust control, protection of the public road network. With the implementation of these measures, the predicted residual impact of the proposal during construction phase is classified as imperceptible and short term in effect.

10.6.12. In respect of the operation phase impact, several mitigation measures have been incorporated into the design of proposal including provision of high-quality

pedestrian and cyclist infrastructure and dedicated crossing facilities within the scheme, and an additional access point in the northern boundary for increased permeability. Mitigation measures proposed to address the imperceptible to not significant effects identified during the operation phase focus on the implementation of the MMP with several initiatives to reduce the proportion of car trips and promote sustainable travel by future residents. Once operational and the MMP initiatives are initiated, it is considered likely that the volumes of car traffic assumed in the modelling assessment would be in reality be lower. With the implementation of these measures, the predicted residual impact on traffic and transportation, during the operation phase is, in similarity with the construction phase, also categorised as imperceptible and short term in effect.

10.6.13. I have reviewed the traffic and transportation assessment provided within the EIAR and consider the findings to be reasonable. I concur that the proposed development will not have a likely significant effect on the traffic and transportation conditions at the site and/ or those of the wider receiving area. Further to the analysis undertaken by the applicant, I have had regard to additional reports submitted with the application including the DMURS Statement of Consistency, Stage 1/ 2 Road Safety Audit and Designer's Response, which also ensure that mitigation measures have been incorporated into the design of the scheme. I consider that once operational, the scheme will exert an imperceptible neutral effect on traffic and transportation as a change capable of measurement will be caused to the character of the environment but without significant consequences, and the change is within normal bounds of variation for same.

Conclusion

10.6.14. In conclusion, I am satisfied that all likely significant negative effects on traffic and transportation would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely imperceptible neutral effects in terms of traffic and transportation.

Material Assets: Site Services

10.6.15. Chapter 15 of the EIAR considers the material assets: site services category of the environment. This chapter examines surface water drainage, wastewater drainage, water supply, electricity supply, telecommunications, and gas infrastructure. While the site is greenfield in nature, there are surface water sewers and electricity underground and overhead powerlines (20kV and 38kV) traversing the site. In the main, the proposed development involves connecting with/ into the existing utilities. These are present in the public roads (Celbridge Road, M4 motorway) and adjacent development (Leixlip Park and Barnhall Meadows residential estates, Leixlip Castle demesne). The proposed development involves the provision of a comprehensive surface water system with several SuDS measures (including nature-based SuDS) to achieve a two-stage treatment process with reduced discharge rates (draining to an existing sewer at the northeast of the site), is expected to generate 98.50m³/ day of wastewater (discharging to an existing sewer at the southeast of the site), a peak hour water supply demand of 7.17 l/s (provided via an existing watermain to the west of the site), an electricity power demand of c.1.6 MVA (existing and proposed cables to be undergrounded, 3 substations provided to service demand). Telecommunications services provided via connections to the existing on-street network (proposed networks comprise cables in underground ducts), and gas is not proposed to be provided as a utility.

10.6.16. Potential impacts on site services during the construction phase are identified primarily for surface water and wastewater drainage and are classified as significant negative and short term in effect. Surface water impacts include harmful substances entering the public surface/ wastewater networks due to excavation, blockages from silt, grit, and building materials of the public networks, and pollution from harmful substances and building materials entering watercourses. Wastewater impacts include siltation, surcharge and flooding from water collected in temporary excavations entering the public network, and effluent from the contractor's temporary welfare facilities causing pollution/ flooding within the public system. Potential impacts at construction phase for water supply (usage associated with temporary welfare facilities), telecommunications (no existing services within the site), gas (disturbance of supply in receiving area), and electricity supply (usage during construction period) are identified as imperceptible neutral in effect. The proposed undergrounding and diverting of the existing 20kV and 38kV overhead powerlines

require a temporary power outage of approximately 2 days, which is classified as a moderate negative short term effect.

10.6.17. Potential impacts on site services during the operational phase are, in similarly with the construction phase, most consequential for surface water drainage and wastewater drainage. Surface water run-off from the existing site flows over land in an easterly direction towards the River Liffey or soaks into the existing ground. The estimated greenfield run-off rate for the subject site is 44.12 l/s. With the proposed implementation of SuDS measures, a 2-stage process of filtration and treatment will be achieved, and the proposed discharge rate to the existing public surface water system reduces to 24.75 l/s which is 56% less than the permitted equivalent greenfield run-off rate. The proposal reduces the risk of flooding in the public drainage network, and the overall impact of the proposed development on the existing surface water environment. The impact on surface water drainage is therefore classified as positive significant and permanent in effect. Wastewater arising from the proposal will be discharged to the existing public network and treated at Leixlip Wastewater Treatment Plan (WWTP). Correspondence from Uisce Eireann (referred to in the chapter/ included in Volume III: Appendices of the EIAR) confirms that connection to the network is feasible without infrastructure upgrades, and that the proposed wastewater layout and design are acceptable. The impact on wastewater drainage is classified as negative significant and permanent in effect. Due to the level of demand, proposed usage, and capacity in the relevant systems, operational phase impacts for water supply, electricity supply, telecommunications, and gas are classified as between imperceptible to slight in significance of effect, and predominantly neutral in quality of effect.

10.6.18. Of note for site services, several mitigation measures are incorporated into the design of the proposal. This is particularly the case for the surface water drainage system which meets the necessary requirements of GDSDS, industry standards, and the planning authority. Similarly, the design of the wastewater drainage and water supply systems meet the requirements of Uisce Eireann (applicable codes of practice) and building regulations. Mitigation measures proposed to address the potential significant negative effects identified during the construction phase for surface water and wastewater drainage include, for surface

water, the preparation and implementation of Construction Phase Surface Water Management Plan, surface water storage in excavations directed to on-site settlement tanks, silt removal facilitated, discharge off site in accordance with the Uisce Eireann Discharge Licence, storage of construction materials in bunded areas or chemical storage containers. For wastewater, mitigation measures include construction related discharges to the existing wastewater sewer in accordance with the Uisce Eireann Discharge Licence, and all new sewers to be pressure tested and CCTV surveyed in accordance with Uisce Eireann standards. For water supply, electricity (to address the identified potential moderate negative effect from undergrounding of the kV cables) and telecommunications, mitigation measures include compliance and testing with the applicable service providers' requirements and standards. Operation phase mitigation measures include managing surface water runoff in accordance with the requirements of the GDSDS, industry standards, and planning authority, and ensuring the maintenance of all SuDS features within the scheme. For wastewater drainage, water supply, electricity and telecommunications, mitigation measures predominantly relate to operational testing and inspection regimes.

10.6.19. With the implementation of the above mitigation measures, the potential significant negative effects identified at construction phase on surface water and wastewater drainage are addressed and no residual impacts are predicted. For the operation phase, the predicted residual impact on surface water remains as initially classified, i.e., as positive significant in effect. For wastewater drainage, the degree of impact improves to neutral significant in effect, as while the proposal will increase the demand on the existing wastewater drain and Leixlip WWTP, confirmation of connection to the wastewater network without infrastructure upgrades and availability of capacity in the upgraded and expanded WWTP have been demonstrated.

10.6.20. I have reviewed the range of technical details and services information provided within the EIAR, including several standalone reports and correspondences in Volume III: Appendices of the EIAR. I consider the findings in the EIAR to be reasonable and, for the most part, I concur with the classifications of the effects of the proposed development on material assets: site services. In particular, that the proposed development will not have a likely significant effect on site services (water

supply, electricity supply, telecommunications, and gas) at the site and/ or the receiving area. I also concur with the applicant's finding of likely significant positive effect on site services: surface water (due to the extensive provision of SuDS measures in the proposal (including several nature based SuDS), the incorporation of a two-stage process of filtration and treatment, and the reduction in the proposed discharge rate to the existing public surface water system to 24.75 l/s which is 56% less than the permitted equivalent greenfield run-off rate) as a sensitive aspect of the environment will be altered, and the change improves the quality of the environment.

10.6.21. However, I do not concur with the finding of significant neutral effect on wastewater drainage. This is because I do not consider the significance of the effects as described by the applicant to come within the scope of 'significant effect' as defined in the EPA Guidelines 2022 (i.e., the effect is not altering a sensitive aspect of the environment). Further to the analysis undertaken by the applicant, I have had regard to several supporting reports accompanying the application, Uisce Eireann correspondence, and planning authority reports. I consider that once operational, overall, the scheme will predominantly exert a moderate neutral effect on site services (wastewater drainage) as the character of the environment will be altered in a manner that is consistent with existing and emerging patterns of development and the alteration is within normal bounds of variation for same.

Conclusion

10.6.22. In conclusion, I am satisfied that all likely significant negative effects on material assets: site services would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant positive effects in terms of material assets: surface water, likely imperceptible neutral effects in terms of material assets: site services (water supply, electricity supply, telecommunications, and gas), and likely moderate neutral effects in terms of material assets: site services (wastewater).

Cultural Heritage: Architectural Heritage

10.6.23. Chapter 16 of the EIAR considers the cultural heritage: architectural heritage category of the environment. This chapter is authored by Turley Planning with

reference to the Architectural Heritage Impact Assessment (AHIA) (prepared by J. Green Conservation Architect and J. Cronin Conservation Consultant) and the Existing Boundary Wall Condition Report (DOBA Engineers). I direct the Board to section 8.6 of this report above for my analysis of architectural heritage issues in respect of the planning assessment. In particular, I draw the Board's attention to the identification of impact of the proposal on architectural heritage and the classifications of effects. As outlined in the subsections below, these differ from the findings in Chapter 16 as authored by Turley Planning.

10.6.24. The site's relationship with the adjacent Leixlip Castle demesne is outlined. Reference is made to the first edition of the Ordnance Survey Map (1829-1842) which identifies Leixlip Castle and its associated grounds (including the site) lying to the southeast of the town of Leixlip and being marked as within Leixlip demesne (the site is within the modern-day townland of Leixlip Demesne). On detailed inspection of the map and other analyses, the applicant finds that the castle and its grounds were accessed only from the north (via an entrance on the western side of the Rye Bridge), other trackways within the wider demesne provided access to the agricultural lands, and there was no entrance or driveway accessing the wider Leixlip estate from the structure located at the western edge of the site. Important conclusions drawn are that the associated grounds (including the site) were not intentionally laid out as a designed landscape and the single storey building located on Celbridge Road (described as much altered and of early 19th century origin) is an isolated dwelling rather than an original gate lodge. The site contains architectural heritage features associated with Leixlip demesne including the boundary wall and agricultural gates (these are not protected structures and are described as having been subject to repeated change and classified as low heritage significance). There are no protected structures within the site, nor is the site within an architectural conservation area.

10.6.25. Potential impacts identified during the construction phase predominantly include those associated with alterations to the demesne boundary wall (partial demolition for the creation of the main vehicular access to the southwest corner and a pedestrian/ cyclist entrance to Leixlip Park to the northwest, removal and reconstruction of a damaged section, removal of instances of barbed wire and

existing vegetation), and the removal of spoil material placed on northern portion of the site during the construction of the M4. The surviving elements of the demesne's historic character, the principal treelines and upstanding sections of demesne wall, will not be affected by the proposal. The proposed development will have a minor adverse/ negative (wall alterations) and minor positive (reestablishment of ground levels) effects on the architectural heritage of the site.

10.6.26. Consideration is given to the potential impacts at operation phase of the proposal on the architectural heritage in the vicinity of the site. Several protected structures are assessed including the Wonderful Barn, buildings on Mill Street and Main Street, churches, Leixlip Dam, and the Leixlip ACA, the impact on which are predominantly found to be imperceptible or slight in effect. In respect of Leixlip Castle, the introduction of residential development within part of the demesne that is currently open grassland is identified as having a limited effect on the understanding of the historic layout of the castle and its associated grounds (the scheme may be partially visible from the upper storeys of the castle). The effect is limited due to the changes that have occurred to date to the demesne (apparent in historic mapping), including residential developments at the demesne outer perimeter, and the construction of the M4 motorway and embankment which divided the demesne in half. Due to the mature woodland along the western edge of the castle's grounds, the proposal would not be visible from the other buildings close to the castle and therefore would have no effect on the spatial or functional relationships between these different buildings, or their relationship to Leixlip Castle. Accordingly, the impact of the proposal at operation phase on Leixlip Castle and associated outbuildings is found to be, respectively, slight to moderate, and imperceptible to slight in effect.

10.6.27. Mitigation measures to address the potential minor negative effect identified at construction phase include that all works to boundary walls will be undertaken by suitably experienced stone masons under the supervision of a conservation consultant, and the implementation of the Conservation Method Statement (Appendix 2 of the AHIA report and included in Volume III: Appendices of the EIAR). As the potential impacts on architectural heritage at operational phase are identified as not being significant in effect, there are no additional mitigation measures

proposed. With the implementation of the above measures, the predicted residual impact of the proposal on architectural heritage is one of no significant effect.

10.6.28. I have reviewed the mapping, photographic records, CGI images and landscape visual assessment provided within the EIAR and consider the findings in the EIAR to be reasonable. However, based on my review and consideration of the AHIA and my own site inspection, I agree with the findings on impact and classifications of effect as outlined in the AHIA. I find that the proposal will have significant positive effects on the demesne wall (arising from the beneficial programme of remedial repairs) as a sensitive aspect of the environment will be altered, and the change improves the quality of the environment, and that overall and once operational, the proposal will have slight positive effects on the architectural heritage of the site and the receiving area as a noticeable change occurs to the character of the environment without affecting its sensitivities, and the change improves the quality of the environment.

Conclusion

10.6.29. In conclusion, I am satisfied that all likely significant negative effects on architectural heritage would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant positive effects on the demesne wall and overall slight positive effects in terms of cultural heritage: architectural heritage.

Cultural Heritage: Archaeology

10.6.30. Chapter 17 of the EIAR considers the cultural heritage: archaeology category of the environment. Archaeological evidence (monuments, excavations, finds) across several periods within the wider vicinity of the site is referenced in the EIAR. While the site does not contain any recorded archaeological monuments, within a radius of 300m are two notable monuments. Located to the northeast of the site are the zone of archaeological potential for the historic core of Leixlip (c.186m) and Leixlip Castle (c.300m). The castle was constructed by the Anglo Normans from c.1172AD at an outcrop of bedrock at the confluence of the Rivers Liffey and Rye Water. The development of the town (Main Street and St. Mary's Church) begins

also at this time and from the medieval period became an important centre. Geophysical surveying and archaeological test trenching were undertaken across the site in August and October 2022 respectively (Fields 1-4, Figures 17.7 and 17.8). The former confirmed the site has been heavily disturbed, particularly in Field 2 (largest central area) with the laying of fill material from the construction of the M4. The latter identified 'four small areas of archaeological significance' from 25 test trenches, which were selected based on the findings of the geophysical survey. These are described as circular and linear features, and spreads of heat-affected material (i.e. potential evidence of cooking). Due to the site's configuration, the archaeological area in the southwestern field (AA2: a spread of heat-affected material) is outside of the development boundary.

10.6.31. Potential impacts identified include those arising during the construction phase from topsoil stripping, subsoil removal, and excavation works. These ground disturbances will have a direct negative impact on the archaeological remains identified in archaeological areas 1, 3 and 4. These are small sites comprising a possible posthole, a linear feature and a small pit and linear feature. The impacts are considered to be significant negative in effect. The possibility for ground disturbances to have a direct negative impact on small or isolated archaeological remains that may survive beneath the current ground level, outside of the footprint of the excavated test trenches is identified with impacts classified as ranging from moderate to significant negative in effect. There are no potential impacts anticipated on recorded archaeological monuments as there are none within the site and the separation distances too great to the most proximate monuments. During the operation phase of the development, no potential impacts are anticipated on cultural heritage: archaeology.

10.6.32. Mitigation measures to address the potential significant negative effect identified at construction phase include the monitoring of all topsoil stripping and preservation by record (excavation) of archaeological features identified with necessary resources made available (field work and post excavation works). With the implementation of these measures, the predicted residual impact of the proposal on cultural and archaeological heritage is one of no significant effect.

10.6.33. I have reviewed the archaeological assessment provided within the EIAR and consider the findings to be reasonable. I concur that the proposed development will not have a likely significant effect on the archaeological heritage of the site and/ or the receiving area. I consider that once operational (i.e. the known and potential unknown archaeological features have been identified, excavated, and preserved), the scheme will exert a not significant neutral effect on archaeology as noticeable changes will be caused to the character of the environment but without significant consequences, and the changes are within normal bounds of variation for same.

Conclusion

10.6.34. In conclusion, I am satisfied that all likely significant negative effects on cultural heritage: archaeology would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely not significant neutral effects in terms of cultural heritage: archaeology.

Landscape

10.6.35. Chapter 18 of the EIAR considers the landscape category of the environment. The site is greenfield in nature, described as relatively flat in level with reference made to the historic infilling of the northern/ central area of the site with material from the construction of the M4 motorway (opened in 1994). The site is described as grass pastureland which is well defined by mature treelines and hedgerows along its northern, western, and southern boundaries. The eastern site boundary does not align with a natural boundary, traversing two existing fields. A notable hedgerow crosses the centre of the site, along a north-south alignment. The mature vegetation bounding (and I note crossing) the site is attributed with providing high levels of enclosure both physically and visually to and from the surrounding areas. The raised embankment along the M4 motorway on southern boundary, provides both physical and visual separation to the site from the motorway. The mature vegetation, in particular the extensive tree belts in the southwest and east of the site, and separation distances with the intervening built forms, result in there being no obvious visual connection between proximate protected structures, the Wonderful Barn and Leixlip Castle, and the site. The site is partially bound to the north and west by the

Leixlip Castle demesne wall. However, this is only visible at certain locations from within the site including at the existing entrance on the Celbridge Road, along the northern boundary with Leixlip Park properties (imported soil placed in this area has created a ditch that has hidden the historic demesne wall), and in the northeastern corner of the site. The landscape quality and character of Leixlip and its southern environs (inclusive of the appeal site) is described as having been radically altered by the construction of the M4 motorway which bisected the townland of Leixlip Demesne.

10.6.36. Potential impacts identified include those on the character of the landscape (townscape sensitivity and magnitude of townscape change) and visual impact of the receiving area during the construction and operation phases. The scheme involves the removal of hedgerows and several trees, re-levelling of ground levels through removal of infill from the northern/ central area for use in the southern embankment, extensive groundworks to achieve appropriately designed roads, paths, and SuDS features, and most notably, change of greenfield open countryside to a built-up suburban area. During the construction phase, estimated to last c.36 months, it is acknowledged that the site and immediate environs will be disturbed by the above activities and the incremental growth of the buildings on site. Measuring the magnitude of change to the townscape (i.e. the site within the streetscape/ its receiving semi-rural area) against the sensitivity of the receptors (several residential properties directly abut the site), the potential impacts on townscape and visual amenity are classified as moderate negative in effect for the immediate environs of the site (primarily at viewpoint V3, the entrance of Barnhall Meadows and the location of the proposal's main entrance (which will also serve as the main construction entrance and haulage route)) decreasing in significance with distance. This classification takes account of the degree of visual containment at the site (field boundaries, tree belts, M4 embankment), the temporary/ short term duration of works, and that construction activity is not unusual in a suburban environment.

10.6.37. During the operation phase, measuring the magnitude of change to the townscape against the sensitivity of the receptors, the potential impacts on townscape are classified as significant positive in effect. In the classification, regard is had to the low level of visual intrusion associated with the proposed building

heights (2-3 storeys), the degree of visual containment at the site, the restriction of significant effects to the immediate vicinity of the site and the limited number of sensitive receptors therein, the physical and visual separation from sensitive cultural heritage features (architectural and archaeological), establishment of a new urban grain (access infrastructure, character areas, cells), and the development of quality hard and soft landscaped spaces (maintenance of site's sylvan character, SuDS as large natural features).

10.6.38. Further consideration is given to the potential impact on visual amenity during the operation phase. 8 viewpoints (V1-8, Verified Views and CGIs report, Appendix 18, EIAR Volume 3) are selected for analysis which are representative of views available from the public domain and for groups of sensitive visual receptors. These include from public roads (Celbridge Road V1 and V4, Leixlip Bridge V8), residential areas (Barnhall Meadows V2 and V3, Leixlip Park V5 and V6), and a cultural heritage site (Leixlip Castle V7) and vary in sensitivity and magnitude of change. Once operational, the proposal is found to have a not significant positive effect at V3 (entrance of Barnhall Meadows, the location of the proposed main entrance), a not significant neutral effect at V6 (close to 140 Leixlip Park, the location of proposed pedestrian/ cyclist access), an imperceptible neutral effect at V5 (close to 43 Leixlip Park, a visually open location within the estate), and of no effect at the remaining five viewpoints.

10.6.39. Mitigation measures proposed to address the potential moderate negative effect identified during the construction phase for the immediate environs, specifically at V3, include general measures relating to best practice site management and construction work processes. With the implementation of these measures, the predicted residual impact of the proposal at V3 is one of not significant positive effect. As the potential impacts at operational phase at V6 and V5 are identified as being not significant and imperceptible in effect, respectively, there are no specific mitigation measures proposed. The predicted residual impacts of the proposal at V6 and V5 remain the same, i.e., not significant and imperceptible in effect.

10.6.40. I have reviewed the mapping, photographic records, verified views and CGI images provided within the EIAR. I consider the findings in the EIAR to be reasonable and, following my own site inspection which included visiting the

viewpoints, concur that the proposed development will not have a likely significant effect on the landscape of the site and/ or the receiving area. Further to the analysis undertaken by the applicant, I have had regard to additional measures in the proposal such as selection of site compound location, erection of site hoarding, tree protection measures, implementation of a landscaping strategy with screen planting along boundaries and within the scheme, and combinations of hard and soft landscaping to better assimilate the new built environment into the receiving area. I consider that once operational, overall, the scheme will predominantly exert not significant neutral effects on landscape as noticeable changes will be caused to the character of the environment but without significant consequences, and the changes are within normal bounds of variation for same.

Conclusion

10.6.41. In conclusion, I am satisfied that all likely significant negative effects on landscape and in turn visual amenity would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely not significant neutral effects in terms of landscape.

Overall Conclusion for (d) Material Assets, Cultural Heritage, and the Landscape

In overall conclusion, I am satisfied that all likely significant negative effects on material assets, cultural heritage, and the landscape would be avoided, mitigated, and managed due to measures designed into the project, from the implementation of mitigation measures, and through appropriate conditions in the event of a grant of permission. I conclude that the proposed development would have likely significant positive effects in terms of material assets (site services (surface water)), imperceptible neutral effects in terms of material assets (waste, traffic and transportation, and site services (water supply, electricity supply, telecommunications, and gas)), likely slight positive effects in terms of cultural heritage (architectural heritage, which incorporates a specific likely significant positive effect on the Leixlip Castle demesne wall), likely moderate neutral effects in terms of material assets (site services (wastewater)) and likely not significant neutral effects in terms cultural heritage (archaeology) and of landscape.

10.7. Interaction between the factors referred to in points (a) to (d)

10.7.1. Chapter 19 of the EIAR considers the Interactions between the environmental categories as listed above. The interactions between the different environmental categories (considered as both source and receptor) during the construction and operation phases are presented in tabular format (Table 19.1). An overview of the nature and scale of the interactions is also provided. I concur with the interactions identified by the applicant and included in Table 19.1.

10.7.2. Of the interactions identified within the project, I consider those most notable as being (note: I am relying on the environmental categories as listed in section 171A(b)(i) of the 2000 Act):

- Population and human health with land, soil, water, air, and climate
- Population and human health with material assets
- Population with the landscape
- Biodiversity with water and material assets (site services)
- Biodiversity with the landscape
- Land, soil, water, air, and climate with material assets (waste, traffic and transportation, site services)
- Cultural heritage with the landscape

10.7.3. I have considered the interactions between the categories and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the incorporation and/ or implementation of the range of mitigation measures, there is no residual risk of significant negative interactions between the environmental categories identified which would require further specific mitigation measures.

10.8. Cumulative Impacts

10.8.1. Chapter 20 of the EIAR considers the Cumulative Impacts of the proposed development with other projects. These projects are identified as being of relevance due to their location, proposed use, and whether EIARs/ AA screenings/ NISs were prepared for them. Of note for the proposed development are other large residential

developments in the vicinity of the appeal site, including the Barnhall Meadows and Harpur Lane estates to the west (see section 5.0 Planning History above of this report).

- 10.8.2. Cumulative impacts have been identified and considered in the specific chapters of the EIAR and, where found to exist, been addressed through mitigation measures. For example, in Chapter 7 Population and Human Health, Chapter 11 Air and Climate, Chapter 12 Noise and Vibration, Chapter 13 Material Assets: Waste, Chapter 14 Material Assets: Traffic and Transportation, and Chapter 15 Material Assets: Site Services. In this regard, I am satisfied the EIAR has considered cumulative impacts where relevant, and that this combined approach has allowed for an adequate and accurate assessment of the project.
- 10.8.3. Further, the development of the appeal site is planned for as the lands are included within the development boundary of Leixlip, which is designated as a Self-Sustaining Growth Town in the CDP and identified for continued growth within the lifetime of the CDP. In the LAP, the site is predominantly zoned for residential and active-amenity purposes and comprises the majority of the Celbridge Road East KDA. As such, the development of the site would occur in tandem with the development of other adjacent lands that are appropriately zoned (i.e., B – Existing/ Infill Residential, C – New Residential, F2 – Strategic Open Space). Such development would be unlikely to differ from that envisaged under the LAP and CDP, which have been subject to Strategic Environment Assessments (SEAs).
- 10.8.4. The proposed residential use with ancillary facilities (childcare facility, public open spaces) are permitted in principle within the predominant C – New Residential and F2 – Strategic Open Space zoning objectives at the appeal site. Save for the car parking area associated with the childcare facility, which also serves as shared use for open space amenity users, occupying an area of c.140sqm, I consider the proposed development to comply with the land use zoning provisions of the LAP (as outlined in section 8.1 above of this report). The development of this area of F2 zoned lands for car parking would have a de minimis cumulative effect in environmental terms. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have

been described in the EIAR, considered in this EIA, and also considered in the SEAs of the LAP and CDP.

10.9. Reasoned Conclusion on the Significant Effects

10.9.1. The Board considered that the EIAR, supported by the supplementary documentation submitted with the application, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, having considered current knowledge and methods of assessment.

10.9.2. As such, having regard to the examination of environmental information outlined above, to the submissions received on the application from the observers and prescribed bodies, and to the decision of the planning authority, it is considered that the main likely significant effects of the proposed development on the environment are as follows:

Population and Human Health – moderate to significant positive effects arising from increased levels of economic activity, the provision of new residential homes, and creation of a new community served by ancillary community facilities including extensive areas of public open space.

Biodiversity – significant positive effects arising from the creation of an extensive new wetland habitat with breeding and foraging opportunities for amphibian species.

Material Assets: Site Services – significant positive effects on surface water drainage due to the provision of an extensive range of SuDS measures, the incorporation of a two-stage process of filtration and treatment, and the significant reduction in the proposed discharge rate to the public surface water system (by c.56%) than the existing permitted equivalent greenfield run-off rate.

Material Assets: Cultural Heritage – significant positive effects on architectural heritage arising from the programme of remedial repairs to the Leixlip Castle demesne wall within the site including the removal of adversely affecting vegetation, tree, and security wire, and the reconstruction of damaged section.

10.9.3. In conclusion, I consider that the likely significant effects arising on the environmental as a consequence of the proposed development have been satisfactorily identified, described, and assessed in this EIA. I consider that the information contained in the

EIAR is sufficiently up to date, complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU, and is compliant with the requirements of Article 94 of the Planning and Development Regulations, 2001, as amended.

11.0 Recommendation

Following from the above assessment, I recommend that permission is GRANTED for the development as proposed due to the following reasons and considerations, and subject to the conditions set out below.

12.0 Recommended Draft Board Order

Planning and Development Act 2000, as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 23513

Appeal

Patrick Lynch of Proudstown Road, Navan, Co. Meath against the decision made on the 4th day of August 2023 by Kildare County Council to grant subject to conditions a permission to Glenveagh Home Ltd care of Turley Planning, 4 Pembroke Street Upper, Dublin 2, in accordance with plans and particulars lodged with the said Council.

Proposed Development

Large scale residential development (LRD) at a site of c. 14.3 hectares. The development will consist of the:

(1) Construction of 237 no. residential units ranging in height from two-three storeys comprising 30 no. two-bedroom houses (c. 86.8 sq. m. each), 124 no. three-bedroom houses (ranging in area from c. 103 sq.m. to 114 sq.m. each), 13 no. four-bedroom houses (ranging from c. 151 sq. m. to 168 sq. m.), 20 no. one-bedroom

apartments (ranging in area from c.56.6 sq. m. each), 22 no. two-bedroom duplex apartments (ranging in area from c. 86.9 sq. m. to 89.0 sq. m.) and 22 no. three-bedroom duplex apartments (ranging in area from c.127 sq. m. to 139 sq. m. each);

(2) Construction of a two storey creche (c. 278 sq. m. in area) with associated external play area (c. 85.8 sq. m. in area);

(3) Provision of public open space (totalling c. 7.71 ha of which c. 5.61 ha comprises strategic amenity space), communal open space (serving the duplex apartments) (c. 570 sq. m.), and private open space (in the form of private garden areas serving the houses and terraces/balconies serving the apartments/duplexes) and

(4) Provision of vehicular, cyclist and pedestrian access/egress and associated circulation routes (including the construction of a fourth arm to the existing three arm junction on the Celbridge Road (R404) opposite the entrance to the existing Barnhall Meadows residential development and pedestrian and cyclist access to the north-east of the site providing access to the existing residential development known as Leixlip Park). The development will also consist of:

(5) 303 no. car parking spaces (including 31 no. car parking spaces for visitors and 12 no. car parking spaces serving the proposed cr che);

(6) Electric vehicle (EV) charging infrastructure;

(7) 355 no. bicycle parking spaces (including 17 no. bicycle parking spaces serving the proposed cr che and 160 no. bicycle parking spaces serving the proposed strategic amenity/public open space);

(8) Bicycle storage;

(9) Bin storage;

(10) 3 no. ESB substations;

(11) Undergrounding and diversion of the existing 20kV and 38kV overhead power lines;

(12) Equipped play areas;

(13) Photovoltaic roof panels;

(14) Boundary treatments (including gates, piers, railings, walls and openings to the former demesne wall);

(15) Provision of lighting;

(16) All hard and soft landscaping;

(17) Provision of Sustainable Urban Drainage systems (SuDs); and

(18) All other associated site excavation, infrastructural and site development works above and below ground, changes in level (including the relocation of artificially raised ground from construction of the M4 to create an enlarged berm to the southern boundary of the site bounding the M4 motorway) and associated retaining features, associated site servicing (foul and surface water drainage and water supply).

An Environmental Impact Assessment Report has been prepared in respect of the proposed development and submitted with this LRD application.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations here under, and subject to the conditions set out below.

Reasons and Considerations

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

- a) policies and objectives set out in the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midland Region,
- b) policies and objectives set out in the Kildare County Development Plan 2023-2029 and the Leixlip Local Area Plan 2020-2026 (as extended),
- c) Housing for All, A New Housing Plan for Ireland, 2021,
- d) Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009, accompanied by the Urban Design Manual: A Best Practice Guide, 2009,

- e) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,
- f) Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2023,
- g) Architectural Heritage Protection, Guidelines for Planning Authorities, 2011,
- h) Design Manual for Urban Roads and Streets, 2013, updated 2019,
- i) Childcare Facilities, Guidelines for Planning Authorities, 2001,
- j) The Planning System and Flood Risk Management, Guidelines for Planning Authorities, 2009,
- k) Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities, 2021, updated 2023,
- l) section 37(2)(a) of the Planning and Development Act 2000, as amended, in respect of the material contravention process provided for,
- m) the nature, scale, and design of the proposed development,
- n) the availability in the area of a range of social, community, and transport infrastructure,
- o) the pattern of existing and permitted development in the area,
- p) the planning history of the site and within the area,
- q) the submissions received by the planning authority from observers and prescribed bodies,
- r) the grounds of appeal,
- s) the responses to the grounds of appeal by the applicant and planning authority,
- t) the report and recommendation of the Inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment and environmental impact assessment.

The Board considered that the proposed development would constitute an acceptable quantum and density of residential development in this location, would

not seriously injure the residential or visual amenities of property in the vicinity, would not seriously injure the architectural or arboricultural heritage of the site, would not cause serious pollution in respect of water, air, noise, or waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its conclusion, the Board agreed with the recommendation of the reporting Inspector to grant permission for the proposed development in accordance with section 37(2)(a) of the Planning and Development Act 2000, as amended.

Appropriate Assessment Screening: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the information for screening for Appropriate Assessment submitted with the application and appeal, the Inspector's Report, and submissions on the application. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments 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 and qualifying interests of such sites, and that a Stage 2 Appropriate Assessment and submission of a Natura Impact Statement is not required.

Environmental Impact Assessment

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application,

(c) the submissions received from the observers, prescribed bodies, and planning authority, and

(d) the Inspector's report.

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation, and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered the main significant direct and indirect effects of the proposed development on the environment to be positive, and are as follows:

- **Population and Human Health** – moderate to significant positive effects arising from increased levels of economic activity, the provision of new residential homes, and creation of a new community served by ancillary community facilities including extensive areas of public open space.
- **Biodiversity** – significant positive effects arising from the creation of an extensive new wetland habitat with breeding and foraging opportunities for amphibian species.
- **Material Assets: Site Services** – significant positive effects on surface water drainage due to the provision of an extensive range of SuDS measures, the incorporation of a two-stage process of filtration and treatment, and the

significant reduction in the proposed discharge rate to the public surface water system than the existing permitted equivalent greenfield run-off rate.

- **Material Assets: Cultural Heritage** – significant positive effects on architectural heritage arising from the programme of remedial repairs to the Leixlip Castle demesne wall within the site including the removal of adversely affecting vegetation, tree, and security wire, and the reconstruction of damaged section.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting Inspector.

Conclusion on Proper Planning and Sustainable Development

The Board considered that the proposed development would constitute an acceptable quantum and density of residential development in this location, would not seriously injure the residential or visual amenities of property in the vicinity, would not seriously injure the architectural or arboricultural heritage of the site, would not cause serious pollution in respect of water, air, noise, or waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian, cyclist and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In coming to its conclusion, the Board agreed with the recommendation of the reporting Inspector to grant permission for the proposed development in accordance with section 37(2)(a) of the Planning and Development Act 2000, as amended.

Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars submitted to the planning authority on the 12th day of July 2023, and by the further plans and particulars received by An Bord Pleanála on the 28th day of September 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>Prior to the commencement of development, the applicant shall submit to the planning authority for its written agreement:</p> <ul style="list-style-type: none">a) A site layout plan indicating all components of residences in Cell 4, Character Area 1, contained within lands zoned as 'C – New Residential' in the Leixlip Local Area Plan 2020-2023 (as extended).b) Plans and particulars of a revised design of the main vehicular entrance (piers and signage) which shall be approved of (with written certification) by the project Conservation Architect Consultant. <p>Reason: In the interest of clarity and orderly development.</p> |
| 3. | <p>Mitigation and monitoring measures outlined in the plans and particulars as submitted with the application, including those set in Chapter 21: Mitigation and Monitoring Measures in the Environmental Impact Assessment Report, Site Specific Flood Risk Assessment, Arboricultural Report, Noise Impact Assessment, and Architectural Heritage Impact Assessment shall be carried out in full except where otherwise required by conditions attached to this permission.</p> |

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| | <p>The developer shall appoint an appropriately qualified person as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report are implemented in full.</p> <p>Prior to the commencement of development, the developer shall submit a comprehensive list of mitigation measures and a corresponding timeline/ schedule for implementation of same to the planning authority for its written agreement.</p> <p>Reason: In the interest of clarity and protecting the environment.</p> |
| 4. | <p>The development shall be carried out in a phased manner in accordance with Phasing Site Plan: Dwg No. PL60, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: To ensure the timely provision of amenities and infrastructure for future residents.</p> |
| 5. | <p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. Details of security shuttering, external lighting, and signage for the childcare facility shall be agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity, and to protect the visual amenities of the area.</p> |
| 6. | <p>Proposals for an estate/ street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed street/ building name(s) shall be based on the site's historic association with Leixlip Castle and/ or the townland of Leixlip Demesne, or other alternatives acceptable to the planning authority. No advertisements/ marketing signage relating</p> |

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| | <p>to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p> |
| 7. | <p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.</p> <p>Reason: In the interests of amenity and public safety.</p> |
| 8. | <p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p> |
| 9. | <p>All links/ connections to adjoining lands (within and outside the developers' control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.</p> <p>Reason: In the interest of permeability and safety.</p> |
| 10. | <p>The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p> |

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| 11. | <p>A minimum of 10% of communal car parking spaces should be provided with electric vehicle (EV) charging stations/ points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/ stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p> |
| 12. | <p>Prior to the occupation of Phase 1 of the development, a Mobility Management Plan shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/ employees/ visitors of the development and to reduce and regulate the extent of car parking. The mobility strategy shall be prepared and implemented by the management company for applicable residential/ commercial units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p> |
| 13. | <p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p> |
| 14. | <p>a) The areas of public open space in the development shall be constructed, levelled, contoured, soiled, seeded, and landscaped</p> |

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| | <p>(hard and soft) in accordance with the Landscape Design Statement and associated landscape plans, unless otherwise agreed in writing with the planning authority.</p> <p>b) Final design, finishes, methods of construction and/ or installation of footpaths, cycle paths, crossing points over nature-based SuDS features, equipment in play areas shall be submitted to the planning authority for its written agreement.</p> <p>c) This landscaping work shall be undertaken in accordance with Phasing Site Plan: Dwg No. PL60 and completed before any of the dwelling units in Phase 2 are made available for occupation.</p> <p>d) A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of Phase 1 of the development. This schedule shall cover a period of at least three years and include details of the arrangements for its implementation.</p> <p>e) The areas of public open space shall be reserved and maintained for such use by the developer until such time as these are taken in charge by the local authority or management company.</p> <p>Reason: To ensure the satisfactory development of the public open space areas, their future maintenance, and their continued use for this purpose.</p> |
| 15. | <p>a) The communal open spaces, hard and soft landscaping, car parking areas and access ways, communal refuse/ bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.</p> <p>b) Details of the management company contract, and drawings/ particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> |

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| | <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p> |
| 16. | <p>The construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery, and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p> |
| 17. | <p>The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; b) Location of areas for construction site offices and staff facilities; c) Details of site security fencing and hoardings; d) Details of on-site car parking facilities for site workers during the course of construction; e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; |

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| | <p>f) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p> <p>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</p> <p>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>k) Off-site disposal of construction/ demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the Planning Authority.</p> <p>Reason: In the interest of amenities, public health, and safety.</p> |
| 18. | <p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p> |
| 19. | <p>a) The developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–</p> |

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| | <p>2004) to carry out pre-development monitoring of ground disturbance aspects of the development. No sub-surface work shall be undertaken in the absence of the archaeologist without his/ her express consent.</p> <p>b) The archaeologist shall notify the National Monuments Service of the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.</p> <p>c) The archaeologist shall carry out any relevant documentary research and may excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.</p> <p>d) Having completed the work, the archaeologist shall submit a written report to the planning authority and to the National Monuments Service of the Department of Housing, Local Government and Heritage for consideration.</p> <p>e) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Housing, Local Government and Heritage will advise the developer with regard to these matters.</p> <p>f) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Housing, Local Government and Heritage.</p> <p>Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p> |
| 20. | <p>a) An Operational Waste Management Plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation, and collection of the</p> |

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| | <p>waste and for the ongoing operation of these facilities for each dwelling unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>b) This plan shall provide for screened communal bin stores for the duplex apartment blocks and for the childcare facility, the locations, and designs of which shall be as indicated in the plans and particulars lodged within the application unless otherwise agreed in writing with the planning authority.</p> <p>c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p> |
| 21. | <p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p> |
| 22. | <p>a) The developer shall enter into water and/ or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.</p> <p>b) All development shall be carried out in compliance with Uisce Eireann codes and practices.</p> <p>Reason: In the interest of public health.</p> |
| 23. | <p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000,</p> |

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| | <p>as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p> |
| 24. | <p>All of the permitted house and duplex units in the development, when completed, shall be first occupied as a place of residence by individual purchasers who are not a corporate entity and/ or by persons who are eligible for the occupation of social or affordable housing, including cost rental housing. Prior to commencement of development, the applicant, or any person with an interest in the land shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect. Such an agreement must specify the number and location of each house or duplex unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p> |
| 25. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority</p> |

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| | <p>and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p> |
| 26. | <p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p> |
| 27. | <p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the provision of 80m of paved footpath along the R404 (Celbridge Road) necessitated to be constructed to serve the development. The amount of the contribution shall be agreed between the planning authority and the developer, or in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with</p> |

changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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.

Phillippa Joyce

Senior Planning Inspector

28th November 2023