



An
Bord
Pleanála

Inspector's Report ABP-319138-24

Development	Construction of 58 houses and 33 apartments over 6 blocks and construction of creche at ground level.
Location	Lands at Capdoo, Clane, Co. Kildare with frontage to the Brooklands Housing Estate.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	20808
Applicant	Westar Investments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party v Grant
Appellant	Councillor Pádraig McEvoy.
Observers	Clane Community Council.
Date of Site Inspection	17 th December 2024
Inspector	Lucy Roche

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1.0 Introduction

- 1.1. This is a single third-party appeal against the decision of Kildare County Council to issue notification to grant planning permission for the construction of 91 residential units and a childcare facility on a 3.6ha site in Clane, County Kildare. One observation in support of the appeal was also lodged. The issues raised in the grounds of appeal and in the observation received are set out in section 6 of this report.
- 1.2. The Board previously made a decision on this appeal by order dated 21st October June 2021 and under appeal reference number ABP-309367-21. The correspondence on file dated 27th June 2024 confirms that this decision was quashed by order of the High Court and the case was remitted by that Court back to the Board for a fresh determination The appeal has now been reactivated under ABP Ref: 319138-24.
- 1.3. The following represents my *de novo* assessment of the proposed scheme.

2.0 Site Location and Description

- 2.1. The appeal site is located on the eastern outskirts of Clane, in north Kildare, approximately 650m east of Clane Town Centre (as the crow flies) and 35km west of Dublin in North Kildare.
- 2.2. The site comprises two roughly rectangular shaped fields bounded by mature trees and hedgerow to the north, south and east and by construction hoarding to the west. These lands have been subject to recent construction activity with works having commenced on the internal road network for this development as well as works undertaken in respect of ancillary roads and infrastructure serving constructed and under construction development on neighbouring lands (**KCC Reg. Ref: 21/1400** and **ABP-314802-22** respectively). The southwestern end of the site is currently being used as a parking area / construction compound associated with the development under construction (**ABP-314802-22**).
- 2.3. Regarding site surrounds, the site is bounded to the west and south by the existing residential developments of Brooklands and Hamilton Park. Brooklands is a relatively new residential development having been constructed in the last 20 years. It

incorporates a mix of detached, semi-detached and terraced two-storey housing as well as duplex apartments in two, three storey blocks. Hamilton Park to the west, comprises a newly constructed / occupied apartment scheme in three, three storey blocks. Lands to the immediate north and east of the site are currently undeveloped. A residential scheme of 59 units is currently under construction to the south of the site (**ABP-314802-22**). This scheme includes permission for the construction of a new linear / neighbourhood park, with pedestrian / cycle connectivity to the residential development of Alexander Walk further to the south.

2.4. The site is accessed via the R403 Celbridge - Prosperous Road through the Brooklands Housing Estate and the recently completed roadway known as 'The Avenue' serving Hamilton Park. Upgrade works have recently been completed on the four-arm junction of the R403 Regional Road/ Brooklands/ Capdoo Link Road with a signalised junction now in operation.

2.5. The site has a stated area of 3.6ha.

3.0 Proposed Development

3.1. The proposed development as submitted to Kildare County Council on the 23rd of July 2020 comprised the construction of 91 no. residential units and a crèche on a 3.6 ha site.

3.2. The planning authority during the course of their assessment of the application raised a number of issues relating to the design and layout of the development. These issues were raised by way of further information requests on the 11th of September 2020 and 10th of November 2020. The final layout was submitted to the planning authority on the 4th of December 2020 with relatively minor alterations to the layout and orientation of houses. It is this layout that will form the basis of this assessment. The proposed scheme (as amended) is described in more detail below.

3.3. The proposal before the Board comprises the construction of 91 residential units and a 364 sqm crèche to accommodate 50 children. Residential units are proposed in a mix of unit type, size and format details of which are set out in Tables 2.1 and 2.2 below. All buildings are either two or three-storey, ranging in height from 8.5 to 10.7 metres with the larger three storey mixed use building (apartment and crèche building) rising to 9.8 metres in height.

- 3.4. The mixed-use building is located to the southeast corner of the development site, fronting onto the main distributor road serving Brooklands. It is positioned to the rear of a row existing two-storey houses in Brooklands, House No's 135 to 140 (inclusive) and to the south of a similar style three-storey apartment building constructed under KCC ref: 21/1400. The proposed building comprises the Crèche and 1no. two-bedroom apartment at ground floor level and 8no two-bed apartments over two floors at first and second floor level. The apartments are served by a shared entrance from the front (southwest) elevation, while the creche is served separately from the northeast. Each apartment unit is dual aspect and is served by two recessed balconies, the largest of which ranges in size from 8.9 to 10.7sqm and is accessed directly from the main living area. A new internal access road serving 15no car parking spaces is to be provided to the front (SW) of the building, adjacent to and parallel to the existing road. A pedestrian link connecting this access to the rear of the building and the internal estate road is provided to the southeast of the building. Additional parking for the Crèche facility is proposed to the rear (NE) of the building along the proposed estate road. The apartments and crèche facility are to be served by a shared detached bin and bike store to the northwest of the building. The building is also served by an area of open space to the northwest and further incidental areas of open space to the southwest and southeast.
- 3.5. The remaining 82 no. residential units are arranged in 4 blocks bounded by internal roads and separated by a central area of open space. Units are arranged either in a perimeter block style or traditional back-to-back format with separation distances of 22m or more between the rear of directly opposing units. Units face onto either an internal access road or the central area of public open space. Parking is arranged to the front or side of units adjoining internal roads. Each unit is to be served by an area of private open space in the form of a rear garden. Boundary treatments include a 1.8-metre-high concrete post and timber panel fence between the rear gardens and a 2-metre-high block wall with a plaster finish runs along the rear garden boundary separating the dwellings. Maisonette units are provided by bike stores in their allocated area of private open space while house types 2.1, 2.2 and 2.4 (3-bed, two-storey semi-detached/detached) are afforded garden sheds for additional storage.

- 3.6. A public open space area of approximately 150 metres in length and 40 metres in depth is located centrally within the site. This space is designed to incorporate part of the existing field boundary (mature hedgerow) and includes a playground, informal kickabout areas and sensory planting. Details of the proposed hard and soft landscaping is set out in the Landscape Masterplan submitted on 4th December 2020.
- 3.7. The main vehicular and pedestrian access to the site is proposed via a newly constructed entrance / access road off Brooklands at the southwestern corner of the site (constructed on foot of **KCC Ref: 21/1400**). This access will also serve the development to south (**ABP -314802-22**) currently under construction which itself incorporates pedestrian and cycle access to the neighbouring residential development of Alexandra Walk to the south.
- 3.8. Table 2.1 below provides a summary of the proposed development:

Table 2.1: Site Statistics and Development Details:		
Site Area	3.6ha	
Gross Floor Area	Total	9641 sqm
	Residential	9295 sqm
	Crèche	346 sqm
No. Of Residential Units	Total	91
	Houses	66
	Apartments	25
Housing Mix	Refer to table 2.2 below	
Density	c 26units /ha	
Height	2 to 3 storeys reaching a maximum height of 10.8m. The three-storey mix use apartment / creche block reaches 9.8m	
Car Parking	Total	193 spaces (<i>increased from 182 at RFI stage</i>)
	Houses	132 spaces (<i>2 spaces / house</i>)

	Apartments / Maisonettes	43 spaces (1.5 spaces per unit plus 1 no visitor space per 4 units)
	Crèche	18 spaces (0.5 spaces per staff member plus 0.25 spaces per childcare space)
Cycle Parking	Apartments and crèche	21 spaces within a shared bike store
	Maisonette	Each unit to be served with separate bike store located within the private amenity space associated with each unit, 8 no. visitor spaces at surface level
Creche	No. of staff	11
	No. of Children	50
Open Space	Public Open Space	5,738.03 sqm (increased from 5,382.06 sqm at RFI stage)
Access	Main vehicular and pedestrian access point along the existing route through the Brooklands housing development to the west (approved and constructed KCC PRR21/1400). A second access is proposed off Brooklands to serve the apartments and Creche facility in Block A.	

3.13. The following Tables provide a breakdown of house type and unit mix.

Table 2.2 – House type		
Accommodation Type	No. of Units Provided	%
4 Bed semi-detached	12	13
3 Bed detached	1	1
3 Bed semi-detached	22	24
2 Bed terraced (2 Storey)	11	12

3 Bed terraced (2 storey)	10	11
3 Bed terraced (3 storey)	10	11
2 Bed Maisonette	08	9
1 Bed Maisonette	08	9
2 bed Apartments (Block A)	09	10
Total	91	100

Table 2.3 – Housing Mix					
Housing Mix	1 Bed	2 Bed	3 Bed	4 Bed	Total
Total Units	8	28	43	12	91
% Mix	9%	31%	47%	13%	100%

3.14. The application is accompanied by (inter alia):

- A Planning Report
- A Planning Design Statement.
- Appropriate Assessment Screening Report
- An Arboricultural Report.
- A Bat Survey
- A Traffic Impact Assessment.
- An Outdoor Lighting Report.
- A Road Safety Audit (Stage 1 of 2).
- A Statement of Consistency with DMURS.
- A letter from Irish Water stating that a connection to Irish Water infrastructure can be facilitated.
- Preliminary Construction and Environmental Management Plan and Draft Construction Management Plan (Submitted at RFI stage)
- Mobility Management Plan (Submitted at RFI stage)

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Following two requests for additional information on the 11th of September 2020 and 10th of November 2020, Kildare County Council issued notification to grant planning permission subject to 41 conditions. The conditions are generally standard for a development of the nature and scale proposed. The following conditions are of note:

C2(a) – Authorises the construction 91 no. residential units and a crèche catering for 50 no. children.

C2(b): - Relates to the phasing of the development and requires a total of 50no. units, the crèche and main public open space area to be constructed in Phase 1 and the remainder of the development in Phase 2, unless otherwise agreed.

4.2. Planning Authority Reports

4.2.1. Planning Reports

The initial Report of the Case Planner (September 2020)

This report has regard to the locational context and planning history of the site, to relevant planning policy and to the third-party submissions and departmental reports received. The key issues raised in the assessment can be summarised as follows:

- *Principle:* - The proposed development accords with the land use zoning objectives for the area (Clane LAP 2017-2023)
- *Density:* - Generally acceptable.
- *Design and Layout:* - Concerns raised in relation to the design of the apartment block (Block A), the lack of passive surveillance of public open space, the inclusion of rear access laneways, excessive use of boundary wall adjacent to internal roads.
- *Open Space, landscaping and Boundary Treatment:* - Public open space complies with the quantitative standards set out in KCDP. Notes comments of Parks Department.

- *Housing, type, mix and design:* - Design is generally acceptable. No housing mix statement submitted. Dwelling units meet or exceed the minimum standards for floor area, internal layout and private open space set out in the KCDP. Apartment units meet the qualitative standards set out in the Apartment Guidelines. Details of bin storage for apartments / crèche required.
- The layout as proposed would not give rise to any undue overlooking or overshadowing.
- *Biodiversity:* - the bat survey confirms bat activity on site – the mitigation measures outlined in the Survey are acceptable.
- The report concludes with a recommendation to seek further information on issues raised in the assessment and in the departmental reports received. The information request covers issues relating to the overall design and layout; housing mix; the delivery of the neighbourhood park; landscaping and the protection of trees and hedgerows during construction; Part V proposals; car and bicycle parking; road design layout and pedestrian routes through the site; surface water and the submission of a draft construction management plan.

Further Information Report of the Case Planner (November 2020)

The Further Information Report of the Case Planner considers the information submitted by the applicant on the 19th of October 2020, having regard to the additional internal departmental reports received. The Case Planner was satisfied that the applicant's response to the further information request adequately addressed the majority of the issues raised a number of outstanding issues were identified in the report.

- The report identifies outstanding issues relating to:
 - The excessive level of side boundary walls addressing the open space area.
 - The use of railing balustrade as a boundary treatment on balconies (glazing recommended).
 - The provision of plant or mechanical units on the roof of the mixed-use building.

- Confirmation from the applicants that they will retain the services of a qualified landscape architect to oversee the construction of the development and to submit a Practical Completion Certification.
- The design of the playground / play equipment

The report concludes with a recommendation to request clarification on the above issues.

Final Report of the Case Planner (December 2020)

The Final report of the Case Planner considers the Clarification of Further Information submitted by the applicant on 4th of December 2020. The Case Planner is satisfied that the further information received adequately addresses the issues raised in the clarification request. The report concludes with a recommendation to grant planning permission subject to condition.

4.2.2. **Other Technical Reports**

- ***Heritage Officer:*** - Report Aug. 2020 requests further information on issues relating to the protection and management of trees and hedgerows, the landscaping and the submission of a Construction and Environmental Management Plan (CEMP)
- ***Parks:*** - Report of Aug. 2020 requested further information in relation to landscaping and landscaping design. Report Nov 2020 requests clarification on the further information received. Report Dec. 2020 cites no objection subject to condition.
- ***Environment Section:*** - Report of Aug. 2020 stated no objection subject to conditions
- ***Housing:*** - Initial report requests further information in relation to Part V proposals. Later report cites no objection subject to condition.
- ***EHO:*** - Report of Aug.2020 states no objection subject to condition.
- ***Water Services:*** - Report of Sept. 2020 raised no objection subject to condition.
- ***Roads Department:*** - Report of Aug. 2020 requests further information. Report Nov 2020 cites no objection subject to condition.

- **Fire Service:** - Report of Sept. 2020 raised no objection subject to condition.
- **District Engineer:** - Report of Sept. 2020 raised no objection subject to condition.

4.3. Prescribed Bodies

- **Uisce Eireann:** No objection subject to condition

4.4. Third Party Observations

Kildare County Council received third-party submissions from Cllr. Padraig McEvoy, the Appellant in this case and from Clane Community Council, observers to this appeal. The issues raised are similar to those set out in the appeal submissions which are summarised in section 6 of this report.

5.0 Planning History

- 5.1. The appeal site, with a stated area of 3.6ha, forms part of a wider parcel of land (c23ha) designated as Key Development Area 1 (KDA1) in the *Clane Local Area Plan 2017 to 2023*. The residential and open space zoned land within KDA1 have been subject to several planning applications in recent years. The following of which are of note:

ABP 308943-20 **Strategic housing development** (SHD) lodged December 2020 for 333 no. units, creche and site ancillary works. The application was accompanied by an EIAR. This SHD relates to c10ha of lands within KDA 1, including lands associated with the current appeal site. The layout for that part of the SHD site which corresponds with the subject site, incorporates a similar layout to that currently before the Board.

Note: *The Board's decision on this application was quashed by order of the High Court and the case remitted back to the Board for a fresh determination. The appeal has been reactivated under ABP Ref: 320511-24 and is awaiting decision.*

Phased Development of KDA1

Following the lodgement of the SHD, the applicant adopted a phased approach to the development of KDA1 lands. The applicant proposes to develop residential and open space lands within KDA1 in four phases with planning applications lodged / decided on three of the four phases as follows:

Phase 1:

ABP-309367-21 **KCC Reg. Ref: 20/808.** The application currently before the Board.

In addition to KCC Reg. Ref: 20/808 the applicants lodged two separate planning applications for Phase 1 hereunder referred to as Phase 1a and Phase 1b, both of which are currently under appeal. The design and layout of the residential development proposed in these applications is very similar to that currently before the Board.

Phase 1a

ABP-317695-23 Permission granted by Kildare County Council (2023) under **KCC Reg. Ref: 23/207** for 39 residential units. This application relates to the northern section of the Phase 1 lands.

Appeal decision awaited.

Phase 1b:

ABP-319096-24 Permission granted by Kildare County Council (2023) under **KCC Reg. Ref: 23/728** for 51 residential units, creche and linear/neighbourhood park. This application relates to the southern section of the Phase 1 lands and includes additional lands adjacent to the River Liffey (Linear Park). The creche facility at 485.76sqm is larger than that proposed in this application, occupying entire ground floor of the mixed-use apartment building and omitting the ground floor apartment.

Appeal decision is awaited.

Phase 2

KCC Ref: 21/1400 Permission **granted** (2021) for 34 no. residential units (apartments).

This development is constructed and occupied (Hamilton Park).

Phase 3

ABP 314802-22 Permission refused by **KCC Ref: 22/889** (sept 2022).
Permission **granted** (March 2024) for the construction 59 residential units and linear /neighbourhood park adjacent to the River Liffey. Permission also includes for pedestrian access to Alexander Park.

Currently under construction.

5.2. The following applications in Clane are also of note:

KCC Ref: 2360433 Kildare County Council issued a notification of a decision to grant permission on the 27th November 2024 to Westar Investments Ltd (the applicants in this case) for a town park along with a new vehicular access off the R403 via a new roundabout junction, provision of a new traffic calming gateway along the R403 and a new 3m public footpath/cycle lane and lighting along the R403 to connect into the existing public footpath network in the town.

This development is located on lands to the north of the appeal site and includes part of the Strategic Reserve Lands in KDA1.

Capdoo – Key Development Area 2 in the Clane LAP

ABP304632-19 Permission granted (Sept. 2019) for SHD of 366 no. residential units (184 no. houses, 182 no. apartments) creche and associated site works including the construction of a new Link Road connecting the R407 (College Road/Kilcock Road) to Capdoo Park and the R403 (Celbridge Road).

Note: Currently under construction.

Millicent– Key Development Area 5 in the Clane LAP

KCC Ref: 23972 Permission granted by KCC (March 2024) for Large Scale Residential Development of 190 residential units over a period of 8 years. Condition 2 is relevant:

C2 - This permission authorises the construction of 190 no. dwelling units over a period of 8 years. The construction and occupation of the proposed development shall occur on a phased basis. Prior to the commencement of development, details of a precise phasing plan shall be submitted for the written agreement of the Planning authority. The Phasing plan shall include details of the number of units to be constructed and occupied by 31st December 2028 and for the remaining years over the lifetime of this permission.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings

KCC Ref: 24245 Permission granted by KCC (October 2024) for amendments to the LRD permitted under **KCC Ref: 23/972** to facilitate the phased delivery of the permitted link road. Condition 6 requires that the phased construction of the Link Street be fully completed prior to occupation of the 51st unit.

6.0 Policy Context

6.1. Development Plan

- 6.1.1. The application and appeal were originally assessed under the *Kildare County Development Plan 2017-2023*. The *Kildare County Development Plan 2017-2023* (KCDP 2017) has since been superseded by the *Kildare County Development Plan 2023-2029* (KCDP 2023) which was adopted by Kildare County Council on the 9th of December 2022, and which came into effect on the 28th of January 2023. The *KCDP 2023* is now the operative Plan for the area.

- 6.1.2. **Chapter 2 Core Strategy and Settlement Strategy** categorises Clane as a ‘Self-Sustaining Town’ which are defined as towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services, and which require targeted ‘catch up’ investment to become more self-sustaining.

Table 2.8 sets out the Core Strategy for the County. In accordance with the details provided, Clane had a recorded population of 7,280 in 2016 and an estimated population of 7,702 in 2021. The Core Strategy allocates a housing target of 219 no. units to Clane for the period 2023-end 2028, this is based on a 2.4% share of the overall target for the county (9,144). Table 2.8 also identifies a target residential density of 35-40 units/ha for Clane

- 6.1.3. **Chapter 15 Development Management Standards states in Section 15.4.1 Development Capacity** that applications for residential development in urban areas will be required to comply with the principles of compact growth and demonstrate that they will contribute to the overall consolidation of the settlement. Applications for residential development over 20 units or, 2,000m² in the case of commercial developments, (including office/industrial developments), will be required to be accompanied by a Social Infrastructure Audit (SIA) in order to demonstrate that the proposed development, in conjunction with other extant permissions for residential development, will not place an unacceptable burden on the existing capacity of social infrastructure in the area. The Council will place particular emphasis on the need to ensure that any required social infrastructure will be developed either in tandem with, or prior to any new residential development.

- 6.1.4. **It is an objective of the Council to:**

CS O1 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’.

- CS O2 Ensure that the future growth and spatial development of County Kildare provides for a county that is resilient to climate change, enables the decarbonisation of the county's economy and reduces the county's carbon footprint in support of national targets for climate mitigation and adaption objectives as well as targets for greenhouse gas emissions reductions.
- CS O5 Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a co-ordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements
- CS O7 Promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach that is informed by settlement capacity audits and social infrastructure audits by providing for land use zoning designations capable of accommodating employment, environmental education, community, leisure, education campuses, childcare, recreational and cultural facilities having regard to the quality of the receiving environment, and any landscape character, archaeological and architectural heritage sensitivities.
- CS O13 Require that the design of future development complies with the 10-minute settlement principle through the creation of a safe, attractive, permeable, and universally accessible environment for all, including permeability to existing estates to require public consultation which maximises the potential for active modes of travel along with accessibility to both present and planned public transport options and to advocate for increased public transport options to meet this goal where none are in place.

- SC O15 Require that community facilities are provided in new communities on a phased basis in tandem with the provision of new housing or other large-scale developments. In cases where there is a deficiency of a certain type of infrastructure as part of the development proposal, the frontloading of such infrastructure will be required as part of the first phase of development and must be fully operational prior to the occupation of any residential unit on the subject site. Such deficiencies should be identified in the Social Infrastructure Audit prepared to accompany the planning application. Where the Planning Authority is not satisfied with the information supplied as part of the Social Infrastructure Audit or where inadequate measures are proposed to address any identified shortfalls in social infrastructure as part of a proposed development scheme, a planning application for new housing developments or large-scale developments may not be favourably considered.
- SC O16 Require residential schemes of 20 units or greater to submit a Social Infrastructure Audit which shall determine how the capacity of the assessed infrastructure will be affected by the proposed increase in population. Where a deficit is identified, the developer will be required to make provisions/submit proposals to address such deficits
- SC O17 (a) Require social infrastructure audits submitted in accordance with SC O15 of this Plan to include a map of educational, community, childcare, healthcare, sporting, and open space/play facilities within a 10-15 minute (800-1200 metre radius) walk of the proposed development. The audit should identify public / non-fee paying and private/fee paying facilities. Such audits may consider, where appropriate, services which are accessed by car. Capacities must be confirmed with supporting documentation submitted from service providers in order to verify the assessment as set out in the audit.

6.2. Clane Local Area Plan 2017-2023 (Clane LAP)

The *Clane Local Area Plan 2017 – 2023* was adopted by members of the Maynooth Municipal District on 10th May 2017 and came into effect on the 6th of June 2017.

The plan was to remain in force for a period of 6 years, which has now lapsed. As such the *Clane LAP* has expired and the land use zoning objectives assigned to the appeal site under this plan, no longer apply.

The following provisions of the *Clane LAP* were relevant at the time that the application was lodged:

Zoning: The proposed development site was subject to two land use zonings in the Clane LAP. The main body of the site was zoned 'C' New Residential with an objective to provide for new residential development. A small section of the site, the lands adjacent to the internal road serving Brooklands, was zoned 'B: Existing Residential' with an objective to protect and enhance the amenity of established residential communities and promote sustainable intensification.

Key Development Area (KDA1)

The development site was located within KDA1 – 'Dublin Road', one of five Key Development Areas (KDAs) designated to accommodate growth in Clane during the plan period. Section 12.2.1 & Fig 12.2 provides an analysis of the potential development in KDA1.

The vision for KDA1 was for the extension of the urban area of Clane through new residential development and open space and amenity, with a high quality permeable urban form, which protects natural heritage and delivers important connectivity to the River Liffey and to the future town park. The plan went on to set out a design brief for KDA-1 under the headings of connectivity and movement, built form and landscape and spaces.

Phasing:

Schedule of Phasing Section 13.2.1 provided the following phasing strategy for KDA1:

- Road Upgrade of Celbridge Road / Brooklands junction to be completed prior to commencement of development.
- Extend riverside footpath from Alexandra Walk into the Strategic Open Space lands along the River Liffey (along extent of new residential zoning). To be completed prior to the commencement of Dwelling no. 101 in KDA1.

- Pro-rata childcare provision at a rate of 0.13 childcare spaces per dwelling for dwellings 1-100 to be completed prior to the commencement of dwelling no. 101 in KDA1. Pro-rata provision for remainder to be completed prior to the completion of development on zoned lands in KDA1.

Density: Table 4.1 *Estimated Residential Capacity*, estimated the density of development within KDA1 as 26 per ha with an overall estimated residential capacity for 161 units on a net developable area of 6.2 ha (*final figures to be determined at design stage)

6.3. National and Regional Policy

6.3.1. ***Project Ireland 2040 - National Planning Framework (NPF)***

National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040 (5.85 million). The strategy to accommodate this growth in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth, Sustainable Mobility, Enhanced Amenity and Heritage, a Low Carbon and Climate Resilient Society and the Sustainable Management of Water, Waste and Environmental Resources

6.3.2. ***Draft Revised National Planning Framework***

The Government released the updated Draft Revised NPF in November 2024 and agreed new population targets. This draft document focuses on the need to update the NPF in order to appropriately reflect changes to government policy that have taken place since its initial publication six years ago, such as climate transition, regional development, demographics, digitalisation and investment and prioritisation.

The Draft Revision predicts that the population of Ireland will increase to approximately 5.7 million by 2030 and to 6.1 million by 2040

The Draft Revision notes that Kildare as part of the Mid-east region, has experienced high levels of population growth in recent decades, at more than twice the national growth rate. Census data indicates that this pattern is continuing with population growth in the Mid-East exceeding the national average rate in the 2016 to 2022 period. Managing the challenges of future growth is critical to this regional area. A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs, including in particular social and community infrastructure in areas such as education and amenity, and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be infrastructure led and primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.

6.3.3. *The Regional Spatial & Economic Strategy 2019-2031 (RSES) Eastern & Midlands Regional Assembly (EMRA)*

This RSES provides for the development of nine counties including Kildare and supports the implementation of the National Development Plan (NDP). Clane is located within the Core Region of Dublin. Table 6.1 Clane is identified within the Level 3 Town and/or District centres and Sub County Town Centre (Key Service Centres).

Regional Policy Objective 4.1: - In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the

infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

Regional Policy Objective 4.83: - seeks to support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the cores strategies of the county development plans.

6.3.4. *Climate Action and Low Carbon Development (Amendment Act):*

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Board is to make all decisions in a manner that is consistent with the Climate Act.

6.3.5. *The Climate Action Plan 2024 (CAP24)* is the third annual update of Ireland's Climate Action Plan first published in June 2019 by the Department of Communications, Climate Action and Environment. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

6.3.6. *The National Biodiversity Action Plan (NBAP) 2023-2030* includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent

that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

- 6.3.7. ***The National Transport Strategy for the Greater Dublin Area 2016-2035*** provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) over the next two decades. It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

6.4. **Section 28 Guidelines**

- 6.4.1. ***Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)*** sets out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999. They build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the

policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

- 6.4.2. ***Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2023*** set out national policy and standards for apartment development, in order to ensure greater consistency of national policy across local authority areas. This includes recommended standards in relation to housing mix and minimum floor areas.
- 6.4.3. ***The Urban Development and Building Height Guidelines for Planning Authorities 2018*** set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

6.5. Natural Heritage Designations

- 6.5.1. The appeal site is not located on or adjacent to any designated site. The Ballynafagh Bog SAC /NHA (Site Code: 000391) and the Ballynafagh Lake SAC (Site Code: 001387) are located c6 and c7 kilometres to the west of the subject site respectfully. The Rye Water Valley /Carton SAC (Site Code: 001398) is located c12.5 kilometres to the north-east of the subject site while the Mouds Bog SAC (Site Code 002331) is located c11 kilometres to the south-west of the subject site. The Donadea Wood NHA is located c6km to the northwest.
- 6.5.2. The River Liffey flows along the eastern boundary of the site. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206), the North Bull Island SPA (Site Code: 004006) and the South Dublin Bay and Tolka Estuary SPA (Site Code: 004020). As the crow flies, the separation distance between the subject site and the

SACs in question is over 30 kilometres. The distance via the river flow is in excess of this distance.

6.6. Environmental Impact Assessment - Screening:

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

- (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. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

6.6.2. In the Instance, an Environmental Impact Assessment Report (EIAR) would be mandatory under Class 10(b) if the proposed development included 500 or more residential units or an urban development on an area greater than 10 hectares. The proposal is for the construction of 91 no. residential units and a creche facility on a 3.6ha site and is therefore significantly below the threshold for mandatory EIAR.

6.6.3. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. An EIAR has not been submitted nor has an EIA determination been requested,

6.6.4. Notwithstanding the above, I note that the proposed development site forms part of a wider land holding under the control of the applicant and that part of this holding was

identified for development (Key Development Area 1) in the Clane LAP (now expired). I further note the stated intention of the applicant to develop these lands on a phased basis, with this 91-unit scheme representing Phase 1 of 4 and with Phase 2 complete and Phase 3 under construction (Refer to Section 5.0 Planning History for details). The applicant's 'Masterplan' for KDA1, if completed, would reach the 10ha threshold for mandatory EIA, which raises the concern of 'project splitting'. However, I note that the applicants originally sought to develop these lands under a single SHD application, (**ABP 308943-20** - final decision outstanding) and that this development proposal is subject to EIA. On this basis, I am satisfied that the applicants phased approach to the development of these lands is not intended to avoid the need for an EIA or to evade obligations pursuant to the EIA Directive.

6.6.5. The proposed development when taking into consideration with the existing and permitted development on this land holding would amount to a total of 184 units on an overall site area of c. 8.5ha, which would be below the threshold for mandatory EIAR. The phased development of these lands as proposed would, I consider, reduce the potential for significant impacts. Regarding the future development potential for the remainder of KDA1, it is noted that the *Clane Local Area Plan 2017-2023*, under which the lands were zoned and identified for development has now expired and as such the development potential for these lands is uncertain. Notwithstanding, I note that any future development would be subject to EIA Screening.

6.6.6. In light of the above and having carried out a preliminary examination of the project (see completed Form 2) I am satisfied that the need for EIA in respect of this proposed scheme can be excluded.

7.0 The Appeal

7.1. Grounds of Appeal

This is a third-party appeal lodged by Councillor Pádraig McEvoy a member of Kildare County Council against the decision of Kildare County Council to grant

permission for the development of lands at Capdoo and Abbeylands, Clane, Co. Kildare. The grounds of appeal can be summarised as follows:

- Reference is made to the policies and objectives contained in the National Planning Framework (NPF) and the land use policies contained with the Eastern and Midlands Regional Assembly Regional Spatial and Economic Strategy (RSES) which requires land use plans within the Greater Dublin Area to show consistency with the National Transport Authority's Transport Strategy. It is contended that in the context of these overarching policies the planning application is premature.
- Figure 1 on Page 3 of the appeal shows the proposed development site, which forms part of Key Development Area1 (KDA1) as designated in the Clane LAP, outside the CSO settlement boundary and therefore outside the area for consolidated compact growth.
- The appeal provides a summary of the applicant's submission to Kildare County Council on proposed Variation 1 of the *Kildare County Development Plan 2017-2023* (which was in effect at the time) as well as the response and recommendation of the Chief Executive. The applicant's submission supported the redesignation of Clane in the Settlement Strategy from a 'Town' to a 'Self-Sustaining Town'. In response, the Chief Executive's stated that, having regard to Clane's high commuter levels, private car dependency and lack of access to high quality public transport, it is not considered to be a self-sufficient town at this stage.
- It is noted that Clane retained its designation as a 'Town' in the settlement hierarchy under Variation 1 of the Kildare County Development Plan 2017-2023. The overall county level growth was set at 6,023 units for the plan period, 2020 to 2023 with Clane allocated 2.4% of the targeted growth or 145 units.
- The appeal refers to housing targets issues by the Department of Housing in 2020, following the ERSI's review of the NPF. The housing target for Kildare was reduced from 2,007 units to 1,335 units per annum, which would support 108 additional units in Clane for the remainder of plan (37 no units per year).

- It is argued the *Clane Local Area Plan* is superseded by higher level policies that seek to bring about a change to the delivery of growth and better integrate land use with transport investment. There is no land use transport strategy or local transport plan developed for the settlement of Clane.
- The grounds of appeal, include on Page 11, Table 1 and on page 12, Figure 2 (map) and Figure 3 (graph) which detail the residential developments permitted / proposed in Clane since the adoption of the *Clane LAP in 2017*. The details provided indicate that 726 units have been permitted with a further 525 units being sought for approval.
- It is argued that the *Clane LAP* has been superseded overarching policy contexts, namely the NPF, RSES and Variation 1 of the *KCDP 2017*. The current application should not be considered in isolation but on its own merits having regard to the national strategies which seek to co-ordinate the delivery of housing into its serviced areas where the transport links can be sustainably provided.
- The approval of a planning permission must consider issues beyond the immediate environs of the site and disregard the zoning and growth projections where they have been superseded by national, regional and local policy.
- Given the level of housing permitted / proposed in Clane, which is excessive with respect to National, Regional and County policies, the current application should be rejected.
- The Grounds of appeal in Appendix 2 includes details of a newspaper article on cuts to the housing targets in Kildare.

7.2. Applicant Response

The applicant's response to the Grounds of Appeal can be summarised as follows:

- The response document in section 2 includes a description of the site and its location. It also provides details of the various infrastructure and services available within the town, including bus services in the vicinity of the site. The document references five retail offerings (supermarkets); three schools which

have either undergone expansion or have secured planning permission for expansion; seven childcare facilities and seven healthcare offerings in the town as well as additional finance, sports and other social services. Details of road infrastructure and sewage infrastructure improvements are also set out, as are details of employment opportunities in the vicinity and the wider area. It is concluded in this section that Clane has appropriate infrastructure to cater and support for further residential development.

- Section 3 of the response document outlines the various policy documents that support the proposed scheme. It is contended that the proposal is consistent with the National Planning Framework and the Regional Spatial and Economic Strategy for the Eastern and Midlands Region which designates Clane as a self-sustaining growth town. The proposal would provide housing within appropriately zoned lands to accommodate the residential population for Clane.
- Regard is had to the *Kildare County Development Plan 2017-2023* (KCDP 2017) under which Clane was designated as a “small town” and originally allocated an additional 780 residential units up to 2023. The submission notes that the only major development granted at the time (under **ABP304632-19**) was for 456 units leaving a total of 324 units to be developed within the town. The proposed development of 91 units is within this allocation.
- The *KCDP 2017* was updated in line with the NPF and RSES under Variation no.1. Variation no. allocated 145 units to Clane up to 2023, the proposed development is within this allocation.
- The proposal also follows the sequential approach of progressively developing lands closest to the town centre.
- Regarding compliance with the NPF, the response submission notes that the proposed development complies with the requirement to provide mixed tenure and integrated communities incorporating links to contiguous residential developments and existing linear park and being within 800m walking distance of the town centre. the development proposal also incorporates a crèche and playground which will be open to members of the wider community.

- The proposed development fully complies with the guiding principles of the RSES which recognises Clane as a 'self-sustaining town'. The RSES supports the "10 minute" settlement concept whereby a range of community facilities and services are accessible in short walking and cycling distance from residential development. The proposal is fully in accordance with this "10 minute" concept, as all services within the town are located within 10 minutes of the subject site.
- Regarding Local Transport Plans (LTP's), the RSES suggests that such plans should be prepared for key towns and other higher order towns. In the absence of such a plan for Clane, the Board are guided by the various objectives relating to transport contained in the Clane LAP. The proposed development fully accords with same. It is respectfully suggested that the Board can make a decision in the absence of any local transport plans for Clane.
- It is contended that the subject lands are within the existing built-up area of Clane having regard to existing and permitted development in the vicinity of the site and as supported by the AIRO Census Mapping prepared in conjunction with the CSO (fig.6, page13).
- Regarding the applicant's submission on the variation of the development plan, it is unclear how this is relevant to the appeal. The intention of the submission was to request the full implementation of regional planning policy at local level as prescribed. The RSES recognises that not all growth can take place within Dublin City itself and that 70% of this growth will be outside Dublin City.
- Regarding the new housing targets issued by the Dept. of Housing which reduced the housing allocation in Co. Kildare to 1,535units and the appellants calculation of a reduced target for Clane (37units per annum) it is important to note that no specific objectives or population targets for Clane in the NPF or RSES. Reference is made to **ABP307013-20**, which related to a residential development in the settlement of Kill, Co Kildare, where the Board satisfied itself that the reason for refusal which specifically referenced the NPF and the

RSES are not applicable as there are no specific objectives or population targets for the town of Kill.

- It is stated that there was a clear and urgent need for housing and that this need is particularly prevalent within towns such as Clane. This is recognised in planning policy and guidance at national and local level.
- It is suggested that the information set out in Table 1 on page 11 of the grounds of appeal, on development in Clane since 2017, overestimates the numbers of units delivered / permitted by c127.
- It is argued that the appellant relies on the argument that housing should only be delivered in areas with existing high quality transport links; however, consideration should also be given to future transport links and indeed the location of the development.
- The proposed development accords with the pertaining planning policies at National, Regional and Local level and accords with the development standards of the *KCDP*.

7.3. Planning Authority Response

- The Planning Authority in their letter dated the 8th of March 2021 stated no further comment.

7.4. Observations

The observation of Clane Community Council can be summarised as follows:

- The observation expresses similar concerns to those set out in the grounds of appeal.
- The main area of concern relates to the extent of residential development that has occurred in Clane and the surrounding area in recent years and the significant pressure that this has put on local infrastructure and services. Any further development should be carefully considered with strict adherence to the provisions of:

- The Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly.
- Variation No. 1 of the *Kildare County Development Plan 2017-2023*.
- *The Clane Local Area Plan 2017-2023* (Clane LAP).
- The further reduction in growth set out for Kildare in the Ministerial letter (18th December 2020) structural housing demand in Ireland and housing supply targets.
- Given the extent of permitted and proposed residential development in Clane there is a concern that the housing targets for the settlement will be exceeded.
- It is submitted that the proposed 91 units will generate a significant number of local movements that are car dependent. The submission emphasises the need to curtail car dependent growth in satellite towns outside the Greater Dublin Area.
- The *Clane LAP* makes provision for a ring road to be built in phases around Clane. Only part of this link road has been built. It is submitted that no development should start on the subject site until this link road is complete and that the subsequent development of KDA-1 adheres strictly to the limitations set out in the *Clane LAP*.
- It is also submitted that any development allowed in the KDA-1 area should include a substantial and sufficient area of public parkland.

7.5. Further Responses

- 7.5.1. Having regard to the High Court Order in this case, the quashing of the previous Board decision and the passage of time, the Board considered that it was appropriate in the interests of justice to request relevant parties under Sections 131 of the Planning and Development Act 2000 (as amended) to make any further general submissions/observations in relation to the appeal and on the updated *Kildare County Development Plan 2023-2029* in the context of the proposed development which was subject of the appeal.

7.5.2. All parties were invited to make a submission in relation to the matters raised above on or before the 12th of November 2024. Submissions were received from the applicant and the observer, Clane Community Council. The submissions can be summarised as follows:

7.5.3. **Applicant's Response:**

The applicant's response to the Boards S.131 request comprises a revised planning report prepared by Hughes Planning and Development Consultants. The submission can be summarised as follows:

- Section 1 Introduction: - outlines the background to the proposed development and the appeal and how it relates to the applicant's wider landholding of 10.36ha and the proposed development of same. Figure 1.0 includes a map of the holding detailing the various phases of development proposed. It also includes a table outlining the status of each application which has been made in respect of this landholding.
- Section 1 also includes a detailed description of the site and surrounding area. It is noted that the site is already largely serviced with foul, surface water and watermain pipes and an attenuation area already in situ (provided on foot of the previous grants of permission KCC Reg. Ref: 21/1400 and ABP-314802-22). An ESB service station has also been provided with capacity for the 91no units proposed. Figure 25.0, page 21 details the services which are already in place to serve the scheme.
- It is stated that Clane is well serviced in terms of public transport with daily bus connections to Dublin city Centre and UCD as well as bus connections to nearby towns including Naas and Maynooth. TFI route 139 with 18 round trips per day link the town to rail services at Maynooth and Clane.
- The response document also references recent infrastructure provisions including the Brooklands Estate Road and R403 junction upgrade; the opening of Scoil Phadraig Boys Primary School; the construction of the Inner Relief Road linking Kilcock Road and Celbridge / Dublin Road (nearing completion) and the granting of planning permission for a new GP surgery on the main street.

- Section 2 provides a detailed description of the proposed development noting that the proposed access from Brooklands has now been constructed.
- Section 4 outlines the current status of the applicants 10.6ha landbank:
 - Enabling works, including the stoning of internal access roads were commenced on the current appeal site but were halted following the commencement of legal proceedings.
 - The 34 units permitted under **KCC Ref: 211400** are completed and 90% occupied. This development included access from Brooklands Housing Estate and main distributor road to west (which will serve the proposed development site); services infrastructure (foul, surface, watermain, and ESB substation) front loaded to directly serve an additional 16no. units associated with this current case. Also completed surface water attenuation tank and pipe networks to serve appeal site.
 - 59no. residential units and linear / neighbourhood park adjacent to river Liffey approved under **ABP-314802-22** including pedestrian and cycle access to Alexandra Walk. Currently under construction. Junction of Brooklands Estate and R403 upgrade works complete.
- Section 5 outlines the applicants phased approach to the development of these lands and the reasoning for same. It is argued that development of these lands has been impeded by lengthy judicial proceedings, with only 93 of the 333no units envisaged for the lands having been fully approved. The applicants are eager to build and deliver homes for the people of Clane.
- Section 6 considers the proposed scheme against the provisions of more recent national and local planning policy documents.
- Regarding the *Sustainable Residential Development and Compact Settlement Guidelines and KCDP 2023-2028*:
 - It is asserted the proposed development with a stated net density of 36.4dph accords with the density requirements set out in the Guidelines. The applicant's calculation is based on a net development area of 2.5ha which excludes roads and open spaces.
 - It is further asserted that the proposed development accords with the standards set out in the Guidelines for public and private open space, separation distances and car parking.

- Regarding the Settlement and Core Strategies of the *Kildare County Development Plan 2023 -2029*:
 - It is noted that Clane has been upgraded to a 'Self-Sustaining Town'
 - It is contended that there is a history of core strategy housing targets for Clane not being met due to the larger developments being subject to Judicial Review.
 - It is further contended that the estimated 2021 population for Clane, 7,720, which forms the basis for the population and housing target for the settlement, is substantially short of the 2022 Census population figure of 8,152. It is stated that this would serve to confirm that current population and housing targets are based off an incorrect baseline and that the actual housing requirement should be higher than currently stated.
 - The report notes that the 219 -housing target for Clane is a target only.
 - The report estimates that approx. 283 housing units have been granted in Clane since the adoption of the current plan. However, the report notes that the housing units permitted under the Millicent LRD (KCC Reg. Ref: 23972) and the 91 units currently proposed, were originally approved under the previous plan and taken to satisfy the 145-housing target of that plan.
 - The report notes that the 190 units permitted in the Millicent LRD are to be delivered over an 8-year period with only 51 units to be occupied prior to completion of the permitted link road. The report assumes that these 51 units and the permitted link road will be delivered over the current plan period with the balance of 139 units delivered in the next plan period. Following this rationale the report estimates that 144 of the permitted units will be delivered over the plan period leaving a balance of 75 units. The proposed 91 units would therefore result in a minor breach of the core strategy. The applicant would be happy to agree to a condition requiring the phased delivery of the proposed units.
- Regarding compliance with overarching development plan objectives, the report notes that development on the current subject site has been considered appropriate on four different occasions and that this establishes the

acceptability of the principle of development on site. The report outlines general compliance with the standards for residential development set out in the plan and states that the proposed 366.35sqm Creche facility is sufficient to serve existing and future residents.

- Section 6.3 on the Clane Local Area Plan refers to the statement on KCC website which states under the heading of 'Current Local Area Plans' that '*Kildare County Council will have regard to the following adopted Local Area Plans until such time as they are reviewed or other plans made*' and notes that the Clane LAP is one of the Local Area Plan's listed. It is contended that this statement supports the relevance of the *Clane LAP* to the assessment of this application. The report proceeds to provide a detailed assessment of the proposal against the key provisions of this plan including, inter alia, the zoning objectives and development criteria for KDA1 reaching the conclusion that the proposed development remains fully consistent with the provisions of the *Clane LAP*.
- Section 7 concludes the report. it trusts that the Board will have due regard to the submission in its reassessment of the case and it believes that a positive determination is warranted on the basis of the schemes compliance with the relevant guiding policies and the necessity to deliver housing on suitably zoned lands.
- The submission includes in Appendix B an Aerial View annotating works which have been completed to date on the Masterplan lands.

7.5.4. **Clane Community Council:**

The submission of Clane Community Council raises various concerns on issues relating to population growth /housing targets in Clane, climate change and deficiencies in public transport. The following provides a summary of the main points raised.

- The main area of concern relates to the extent of residential development that has occurred in Clane and the surrounding area in recent years and the significant pressure that this has put on local infrastructure and services

including GP services, school places, public transport and road infrastructure. The Board are asked to assess the proposed development in the context of the increasing vehicular congestion in Clane, the over-demand for unavailable school places in local and nearby schools and the limited housing allocation permitted under the current Kildare County Development Plan.

- The *Clane LAP* was adopted on the 6th of June 2017 and was to remain in force for 6 years. There is no public record that the LAP was extended by resolution on or before the 6th of June 2023.
- The population of Clane has grown rapidly since the 1990's with a considerable level of residential construction in the town since 2016 - c1,029 units delivered or under construction since 2016. Population growth needs to be re- balanced with the provision of local services and infrastructure with adherence to the policy provisions of the NPF, RSES and KCDP.
- The submission includes on page 5, Table 1 and on page 6 Figure 2 which detail the residential developments permitted in Clane since 2017 and the adoption of the *Clane LAP*.
- Existing and proposed development in Clane is car dependent. This is set to continue as there are no plans to invest in a high-capacity public transport corridor that directly connects Clane. The submission emphasises the need to curtail car dependent growth in satellite towns outside the Greater Dublin Area.
- Traffic in and through the town, including HGV traffic, has increased significantly, resulting in congestion. Clane has limited road infrastructure with only part of the planned Clane Ring Road completed to date.
- Existing and proposed development in Clane is car dependent.
- Existing public transport services fail to provide an adequate service for commuters. The grounds of appeal note that the NTA imposed fines on a private bus operator due to calculations and delays on the 120-bus route serving Clane.
- Reference is made in the grounds of appeal to the designation of Clane as a 'Self-sustaining Town' in the *Kildare County Development Plan 2023-2029*

(KCDP 2023) contrary to the recommendations of the Chief Executive and the Office of the Planning Regulator.

- The submission references Irelands International obligations to combat climate change and the policy context at National, Regional and Local level to address same, including the NPF, RSES, the NTA's Transport Strategy for the Greater Dublin Area and the KCDP 2023.
- Reference is made to section 15 of the *Climate Action and Low Carbon Development Act* which requires public bodies to be consistent with (inter alia) the most recent approved *Climate Action Plan* in the performance of their functions.
- Reference is also made in the submission to the various recommendations of the Climate Change Advisory Council.
- Regard is had to the role of spatial planning in the reduction in greenhouse gas emissions and the negative consequences of continued urban sprawl and car dependency.
- The proposed development is on a greenfield /edge of a self-sustaining town, outside of the Dublin Metropolitan Area and includes apartment blocks of three storeys.
- Regarding the applicants "phased" approach to the development of lands at Capdoo and Abbeylands, the grounds of appeal state that this application must be seen in the wider context of the applicants' aspirations to construct a very high number and density of dwellings on a scale far in excess of the numbers set out for the lands in the *Clane LAP* (161units).
- The current KCDP provides for 219 additional units in Clane. Permission has been granted for 249units exceeding the housing target.
- The grounds of appeal refer to the displacement of zoning for education and community needs (this would appear to relate to the Abbots field Development on lands identified as KDA-4 in the *Clane LAP*).
- The submission includes in Appendix 1 Minutes of Council Meeting held on the in respect of Material Alterations to *Draft Clane Local Area Plan 2017-*

2023. In appendix 2, a collation of drafts, amendments, submissions and decisions on Clane from the preparation by Kildare County Council of the *Kildare County Development Plan 2023-2029*. Clane Community Council's observations on the submission of Hughes Planning and Development Consultants lodged on behalf of the Westar Group, on the proposed material alterations of the *KCDP 2023*.

8.0 Assessment

8.1. Introduction

8.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- The Principle of the Development
- Compliance with Core Strategy
- Compact Growth
- Development Capacity of Clane
- Compliance with the Sustainable Residential Development and Compact Settlement Guidelines
- Other
- Appropriate Assessment

8.3. Principle of Development

8.3.1. This appeal relates to a proposal for the construction of 91 residential units and a creche on a 3.6ha site in Clane, Co. Kildare. The appeal site forms part of a c23ha parcel of land on the eastern periphery of Clane, identified as a key development area – KDA1 – Dublin Road, in the *Clane Local Area Plan 2017-2023* (Clane LAP).

- 8.3.2. KDA1 comprises lands zoned 'New residential' and 'Open Space and Amenity' as well as lands identified as a Strategic Reserve. KDA1 has been subject to several planning applications in recent years, (please refer to Section 5 Planning History for details). To date permission has been granted for a total of 93no residential units and c1.83ha of park land under two separate applications (KCC Ref:211400 and ABP-314802-22). The permitted developments also include for road upgrades at the Junction of Brooklands Estate and the R403, vehicular and pedestrian access to KDA1 lands off the main distributor road serving Brooklands and pedestrian access to Alexandra Walk. The principle of residential / open space development on KDA1 lands has to date been supported by the zoning objectives and development management criteria (indicative design brief and phasing) set out in the Clane LAP.
- 8.3.3. The Clane LAP was adopted by members of the Maynooth Municipal District on 10th May 2017 and came into effect on the 6th of June 2017. In accordance with Section 1.2 of the LAP, the plan was to remain in force for a period of 6 years. This six-year period has now lapsed. The Clane LAP was not extended by resolution, nor was it incorporated into the current KCDP. Therefore, it is my opinion that the Clane LAP has expired and as such the land use zoning objectives assigned to the appeal site under this plan, no longer apply.
- 8.3.4. While I note statement of Kildare County Council on their website under the heading 'Current Local Area Plans' ([Current Local Area Plans - Kildare County Council](#)) that the Council will 'have regard to' adopted Local Area Plans (including the Clane LAP) until such time as they are reviewed or another plan made, I am not satisfied that this statement alone provides sufficient statutory basis for the implementation of the policies and objectives outlined in the plan. Therefore, it is my opinion that the subject lands are unzoned. While the development of unzoned lands is not precluded in the Kildare County Development Plan, I would be of the opinion that any such proposals should be carefully considered, that they should be adequately supported by relevant local and national planning policy and that they should be appropriate in the context of the site and its location.
- 8.3.5. Regarding the above, I note the various issues / concerns raised by the appellant and observers to this appeal, including (inter alia) that:

- The proposed development would, in conjunction with existing permitted development, result in the housing / population targets for Clane being exceeded contrary to the Core Strategy.
- The settlement of Clane has experienced extensive residential growth in recent years and that this growth has not been met with the requisite infrastructure and services to meet the needs of residents and the pressure that this has put on existing infrastructure and services.
- The development of this site, due to its location on the periphery of Clane with inadequate public transport would contribute to urban sprawl and car dependent residential development, contrary to National, Regional and Local Planning and Transport Policy which support efforts to combat climate change.

These issues will be considered in the following sections of this report.

8.4. Core strategy – Compliance with Housing / Population Targets

- 8.4.1. The Core and Settlement Strategies for Kildare are set out in Chapter 2 of the KCDP 2023-2029. Their aim is to provide for the delivery of an additional 9,144 housing units to accommodate an additional 25,146 people by the end of the Plan period, and to continue to create the environment to retain existing and attract new employers to locate in County Kildare through the delivery of sustainable, compact settlements supported by a commensurate level of physical, social and green infrastructure to mitigate against climate change and enhance the quality of life for residents.
- 8.4.2. Clane is now listed as a 'Self Sustaining Town' in the Settlement Strategy, having been upgraded from a 'Town' in the previous KCDP (2017-2023). Self-sustaining towns are described as having a high level of population growth and a weak employment base which are reliant on other areas for employment and/or services, and which require targeted 'catch up' investment to become more self-sustaining.

The preferred development strategy for these settlements as stated in the KCDP 2023-2029 is measured growth with emphasis on economic growth.

- 8.4.3. In accordance with the information provided in Core Strategy Table 2.8, Clane, had a recorded population of 7,280 in 2016, representing 3.27% of the total population of the County. The core strategy estimated the 2021 population for Clane at 7,702. However, more recent data from the CSO has confirmed that the population of settlement in the 2022 Census was 8,152, c872 or 12% above predicted 2021 population.
- 8.4.4. The Core Strategy allocates a housing target of 219 units to Clane for the period 2023 to the end 2028. This figure is based on a 2.4% share of the overall housing and population target for the county (9,114). The proposed scheme incorporating 91 no residential units would account for approximately 41.5% of the total housing allocation for the settlement over the plan period. As the current KCDP (2023-2029) has not yet been updated to align with Census 2022 population figures, the population and housing targets set out in the plan remain relevant to this assessment.

Recent Housing Permissions in the Clane Area

- 8.4.5. I have consulted Kildare County Councils online planning system, Geohive - Ireland's National geospatial data hub, and An Bord Pleanála's in house mapping system and I have reviewed the information provided by the applicants and Observers to this appeal and I am aware of four multi-unit residential schemes that have been granted in Clane since the adoption of the KCDP 2023, these are outlined in the Table below.

Reference	Decision Date	No. of Units Permitted	Notes
KCC Ref:23972 amended on foot of KCC Ref: 24245	15 th March 2023	190	This permission authorises the construction of 190 dwelling units over 8 years.

			Scheme. Condition 6 of KCC Ref:24245 requires that the Link Street serving these lands be fully completed prior to occupation of the 51 st unit.
ABP 314802-22	25 th March 2023	59	Part of KDA1 lands currently under construction
KCC 24140	18 th June 2024	14	
KCC2460485	17 th September 2024	20	
Total		283	

Table 10.1 - Housing Permissions in Clane since the adoption of the KCDP 2023

- 8.4.6. These four extant permissions would allow for a total of 283 additional residential units which, if implemented during the remainder of the plan period, would exceed the housing target for Clane by c29%.
- 8.4.7. The applicants in in Section 6.2.1 of their response report (Nov.24) consider the impact of these extant permissions on the core strategy housing targets. It is contended in this section that only 144 of the 283 units permitted are likely to be developed within the plan period, and that as such, the proposed scheme would result in a only minor breach of the Core Strategy housing target that is warranted based on the necessity to meet housing demand and national policy in relation to housing delivery on serviced land. It is further contended that subject to the application of suitably worded conditions (re: phasing) the proposed scheme could comply with housing targets set out within the current plan.
- 8.4.8. The applicant's argument is based on the assumption that only 51 of the 190 units permitted under **KCC Ref:23/972** will be delivered within the existing plan period. I consider this argument to be flawed. While I note that the grant of permission under **KCC Ref:23/972** (as amended by **KCC Ref: 24/245**) authorises the construction of 190 dwelling units over 8 years, the conditions attached to the grant of permission do not prohibit the completion of the development within a shorter time frame, subject to compliance with phasing conditions. Furthermore, I note following a review of Kildare's online planning system that the council issued a letter on the 18th of November 2024, agreeing proposals for the phased delivery of the development

permitted under **KCC Ref:23/972** (as amended). The approved phasing would see the development completed by Q4 2026. While this agreement may be subject to change, I consider it reasonable to assume, based on the information currently available, that the 190 units permitted under **KCC Ref: 23/972** (as amended) together with the 59 units permitted under **ABP 314802-22** (currently under construction) will be completed within the plan period, thereby exceeding the current Core Strategy Housing Targets for Clane.

- 8.4.9. In my opinion to permit a further 91 units above the prescribed housing target for Clane, in the circumstance where the Clane LAP has expired, would be contrary to the proper planning and development of the area. Furthermore, I note that such a proposal be contrary to KCDP 2023 Objective CS 01 which seeks to *‘ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy 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’*. I recommend that planning permission be refused on this basis.
- 8.4.10. Further to the above, I note that this appeal was originally lodged in 2021, when the previous County Development Plan, the Kildare County Development Plan 2017-2023 (as varied), applied. I am satisfied on the basis of the information available, that if permitted at that time the additional 91 no units proposed would have exceeded the housing allocation for Clane in the KCDP 2017-2023, as varied. Therefore, I do not consider that any element of double counting in relation to current core strategy figures and permitted developments occurs.

8.5. Compact Growth

- 8.5.1. The National Planning Framework (hereafter NPF) is the Government’s high-level, strategic plan for shaping the future growth and development of the country to 2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy to accommodate this growth

in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth.

- 8.5.2. The NPF priorities for compact growth include an emphasis on the renewal of existing settlements, rather than continued sprawl. This priority recognises the impacts that our dispersed settlement pattern is having on people, the economy and the environment. In particular, there is a recognition that dispersed settlement patterns contribute to the decline of urban centres and to reliance on the private car while also creating a higher demand for infrastructure and services. In contrast, a more compact urban form of development helps to reduce the need to travel, promotes more sustainable modes of transport, provides critical mass that supports improved public transport and mitigates climate change.
- 8.5.3. Informed by the NPF, the KCDP 2023-2029 seeks to achieve a more consolidated urban form through the promotion of compact growth (Objective CS O5) and aided by the delivery of the '10-minute settlement' concept (Objective CS O13).
- 8.5.4. The central idea of the '10-minute settlement', is to create integrated communities that provide high quality and safe links to public transport, local shops and services, amenity areas, places of employment and to other neighbourhoods. Essentially, the concept provides for settlements to be designed to reduce the overall need to travel while also allowing for sustainable transport options (walking and cycling) to become realistic and convenient alternatives to the car for short trips, therefore reducing carbon emissions.
- 8.5.5. The proposed development site comprises an area of predominantly green field on the eastern periphery of the built-up area of Clane. Third parties are concerned that the development of these lands as proposed would contribute to urban sprawl and car dependency, contrary to the principle of compact growth and efforts to reduce carbon emissions.
- 8.5.6. Whilst I do acknowledge that the proposed development site does occupy a peripheral location and that the proposed scheme would essentially comprise a 'greenfield' development, I note that the lands in question are contiguous to the

existing built-up area of Clane, and that they directly adjoin the existing residential developments of Hamilton Park to the west and Brooklands to the south. If permitted the proposed development would read as part of the established built-up area with existing, under construction (**ABP - 314802-22**) and proposed developments benefiting from shared infrastructure and services including the proposed childcare facility.

- 8.5.7. The proposed development would be well connected with direct pedestrian /cycle linkages into Brooklands, and with the completion of the development permitted under **ABP – 314802-22** (currently under construction) to the nearby development of Alexander Walk to the south. **ABP-314802-22** also includes for the provision of a neighbourhood / linear park along the western bank of the River Liffey which would be easily accessible from the proposed development. The proposed development site is within 1km (c850m) of Clane Town Centre and c500m of existing retail offerings (Lidl and Tesco Express) on the R403. The R403, accessible from the proposed development site via Brooklands, is adequately served by pedestrian infrastructure. This level of permeability and connectivity benefiting the site will encourage more sustainable modes of transport (walking and cycling) leading to a reduction in car dependency. However, the lack of employment opportunities in Clane and the need to travel to higher order settlements for employment is noted.
- 8.5.8. Clane is served by public transport. The R403 is served by an existing bus route (120) which is provided by Go Ahead under contract with the NTA. The 120-bus route operates 36 services daily to Dublin and 37 returning with a reduced service on 26 buses on Saturday and 13 on Sunday in either direction. An additional bus route 139 on the R407 offers daily services operating from Naas, Salins, Maynooth, Leixlip, Ongar and Blanchardstown with 18 round trips per day. Access to the R407 from the R403 / proposed development site will be improved following the completion of the new link road (incorporating cycle tracks and footpaths) permitted **ABP-304632-19** (SHD currently under construction).
- 8.5.9. In light of the above, I am satisfied that notwithstanding the peripheral location of site, the development of these lands as proposed would accord with the 10-minute

settlement principle and the creation of a compact settlement in accordance with KCDP Objectives CS O13 and CS O5.

8.6. Development Capacity of Clane (New Issue).

- 8.6.1. Notwithstanding my conclusions on compact growth, I note the concerns raised by Clane Community Council as observers to this appeal in their submission to the Board (November 2024), regarding the extent of residential development that has occurred in Clane in recent years and the significant pressure that this has put on local infrastructure and services. Essentially, the concern is that the proposed development would, in conjunction with existing permitted developments, place an unacceptable burden on the existing capacity of social infrastructure in the town to the detriment of both existing and future residents.
- 8.6.2. It is a stated objective of the current KCDP (SC O16) to require residential schemes of 20 units or greater to submit a Social Infrastructure Audit (SIA). As set out in Section 15.4.1 Development Capacity, the purpose of an SIA is to demonstrate that the proposed development, in conjunction with other extant permissions for residential development, will not place an unacceptable burden on the existing capacity of social infrastructure in the area. It is further stated under KCDP Objective SCO15 that *‘where the Planning Authority is not satisfied with the information supplied as part of the Social Infrastructure Audit or where inadequate measures are proposed to address any identified shortfalls in social infrastructure as part of a proposed development scheme, a planning application for new housing developments or large-scale developments may not be favourably considered.*
- 8.6.3. Contrary to the requirements of Objective SC O16, a Social Infrastructure Audit has not been submitted in support of this application. The applicants on page 11 of their response submission (Nov.24), list recent infrastructural provisions in the town, as follows:
- The Brooklands Estate Road and R403 junction upgrade.
 - The opening of the new ‘Scoil Phadraig’ Boys Primary School in September 2024 (replacing a previously existing school building)

- The construction of the Inner Relief Road linking Kilcock Road and Celbridge / Dublin Road (nearing completion) and
- The granting of planning permission for a new GP surgery on the main street.

They contend that these infrastructure provisions will improve traffic flow and the level of services available to the population of Clane. They further contended that infrastructure provision in and around the town is increasing in scope and continuously improving in line with the status of Clane and the associated new housing provision.

8.6.4. While I note the above, it is difficult in the absence of a SIA to determine that sufficient capacity in social infrastructure exists in Clane to cater for the proposed development particularly given the population growth experienced within the settlement since the adoption of the Clane LAP, the quantum of extant permissions and the quantum of new residential development that has been permitted in recent years that would see the Core Strategy population and housing targets for the settlement being exceeded. Therefore, the absence of an SIA, considering the concerns raised by third parties and the stated objectives of the current KCDP, in my opinion, further supports a recommendation to refuse permission for the proposed development. The lack of a SIA and non-compliance with SC O16 may be considered as a new and the Board may wish to seek the views of the parties. However, having regard to the substantive reason for refusal (non-compliance with Core Strategy population and housing targets), it may not be considered necessary to pursue the matter’.

8.6.5. Further to the above, it may be of relevance to note that a Social Infrastructure Audit was submitted by the applicants under a separate planning application **KCC Reg. Ref: 23728** which is currently on appeal under reference **ABP-319096-24**. This application for 51 no. residential units, a creche and c1.8ha of public park, comprises Phase 1B of the applicant’s masterplan and incorporates part of the proposed development site. I have reviewed the SIA submitted under **ABP-319096-24** and found it to be somewhat outdated and thereby deficient in that it fails to consider the full extent of new residential development that has been permitted in the settlement in recent years.

8.7. Compliance with the Sustainable Residential Development and Compact Settlement Guidelines.

8.7.1. The Sustainable Residential Development and Compact Settlement Guidelines came into effect on the 24th of January 2024, following the lodgement of this appeal with the Board. These Section 28 Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. In accordance with the provisions of Section 34 of the Act, when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs). Therefore, I consider it necessary to assess the proposed scheme against the provisions of the Sustainable Residential Development and Compact Settlement Guidelines (hereunder referred to as the Compact Settlement Guidelines or Guidelines). I proposed to do so under the following headings:

- Density
- Separation Distances
- Private Open space
- Car Parking
- Cycle Parking
- Daylight

I note that the issue of compliance with the provisions of the Compact Settlement Guidelines is considered in section 6.1 of the applicant's response document (Nov.24).

Density:

8.7.2. Under the Compact Settlement Guidelines, Clane with a population in the region of c8,000 persons would fall within the definition of a 'Large Town'. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key

Towns and 'Large Towns', and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.

- 8.7.3. The proposal is for the construction of 91 residential units on a 3.6ha site (gross) on the periphery of Clane. Allowing for a reduction in the site area to reflect the proposed non-residential use (Creche), as per the recommendations of the Guidelines, I calculate a net site area of c3.47ha. This would equate to a residential density of 26 units/ha (net). The density of the development proposed therefore falls well below the recommended density range set out in the Guidelines. It would also fall below the indicative density levels for new residential development on the outer suburban/greenfield sites in larger towns 30-50dph as set out in Table 3.1, Chapter 3 of the KCDP 2023-2029.
- 8.7.4. The applicants in in section 6.1.1 of their response document (Nov.24) argue a net site area of 2.5Ha, based on the exclusion of those lands within the development site dedicated to the provision of roads and public open space. If accepted this would result in a net density of c36.4dph. However, I am not satisfied that the applicant's approach in calculating the net site area accords with the recommendations set out in the Guidelines which in Table 1 of Appendix B clarifies that the net site area includes local streets, local parks and all areas in incidental open space and landscaping. Additionally, the applicant's response document argues that the proposed development must be considered as part of the wider development area (KDA1) which has capacity for a net residential density of c40units per hectare.
- 8.7.5. While I note that the proposed development site forms part of a wider development area identified as KDA 1 in the Clane LAP, and that the applicants as landowners are now proposing the phased development of these lands, I also note my previous assertion that the Clane LAP has lapsed resulting in a degree of uncertainty around the future development of KDA1 lands. On this basis, I do not consider it reasonable to consider the density of the development in the context of the overall KDA1 lands. However, I do accept and that if permitted the proposed scheme would read as part of the constructed / under construction residential developments permitted under KCC Ref: 211400 and ABP-314802-22, with shared streets and open spaces etc. As

such, I think that it would be reasonable to consider the density of the proposed development in context with these permitted developments.

- 8.7.6. I estimate that the three developments combined would result in a net density in the region of 29units/ha. While this would still be below the recommended density range for this urban extension area, the shortfall would not be significant. In my opinion, the proposed scheme would accord with the prevailing pattern of development in the area and would provide for an appropriate mix of house type and tenure, including apartments which would contribute to the overall housing stock of Clane. Therefore, while I do consider that the site could accommodate a higher density than that proposed, I would not recommend that permission be refused on this basis.

Separation Distances

- 8.7.7. The Compact Settlement Guidelines in Section 5.3.1 counsel that the traditional requirement for separation distances of 22 metres between opposing upper floor rear windows does not account for modern methods of design and construction and that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. It is a specific planning policy requirement (SPPR1) that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 8.7.8. Following consideration of the plans and particulars submitted with the application, in particular the site layout plan, Drawing No.0007, Rev. P01, received by the planning authority on the 4th of December 2020, I am satisfied that separation distances of at least 16m is achieved in the majority of cases. However, it would appear that separation distances between the first-floor windows in the side elevations of the

maisonette units 8.5-8.8 (i.e., Side Elevation 2 as detailed on Drawing No.2048, RevP02, received by the planning authority on the 20th of October 2020) and the opposing first floor rear windows of house types 6.2, 6.4 and 6.5 are 16m (c11.5m). I am satisfied that this issue could be addressed by redesign which could be achieved by way of condition in the event of a grant of permission.

Private Open Space

8.7.9. The Guidelines in section 5.3.2, recognise that well-designed private open space forms an integral part of houses and is essential for health and wellbeing. In terms of providing standards for private open space the guidelines advocate a graduated and flexible approach that supports the development of compact housing and that takes account of the value of well-designed private and semi-private open space. It is a specific planning policy requirement (SPPR2) of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 1 bed house 20 sq.m
- 2 bed house 30 sq.m
- 3 bed house 40 sq.m
- 4 bed + house 50 sq.m

The Housing Quality Assessment submitted with the application indicates that each of the proposed housing units will have the benefit of a rear private garden ranging in the order of 60.63sqm to 124.68sqm, exceeding the minimum standards set out in the Guidelines.

Car Parking:

8.7.10. Section 5.3.4 of the guidelines provides clarity in relation to the quantum, form and location of car parking for new residential development. It is a specific planning policy requirement of these Guidelines (SPPR3) that in intermediate and peripheral locations, such as the appeal site, the maximum rate of car parking provision, shall

be 2 no. spaces per dwelling. The proposed scheme of 91 units provides for a total of 193 no car parking spaces. Parking is allocated at a rate of 2no car parking spaces for each of the 66no houses. The maisonettes / apartment units are allocated a total of 43 no. spaces which equates to c1.7 spaces per unit, including visitor spaces. The remaining 18 no. spaces are allocated to the Creche facility. The quantum of parking proposed is, I consider, acceptable at this location.

Cycle Parking:

8.7.11. In terms of bicycle parking, SPPR 4 requires that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended:

- (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided.
- (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

8.7.12. The proposed scheme includes for the provision of a sheltered bicycle parking store to accommodate 21 no parking spaces to be shared by the creche and 9no. 2-bed apartments. A further 12 visitor spaces, in three outdoor racks are proposed at various locations throughout the site. Each of proposed maisonette unit is provided with a designated sheltered bicycle store in their respective rear garden area however bicycle storage for mid-terraced houses has not been provided. This may be addressed by way of condition in the event of a grant of permission. In this regard I note that the applicants on page 37 of their response document have indicated that the bin storage area to the front of the terraced units could be increased in size to

accommodate bicycle storage. I would also recommend the provision of an additional visitor parking spaces in the vicinity of the mixed-use apartment / creche facility.

Daylight:

8.7.13. The guidelines in Section 5.3.7 recognise the importance of daylight performance in ensuring a high-quality living environment. The guidelines state that the potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight.

8.7.14. No technical assessment on daylight has been submitted; however, I note that all proposed residential units are either dual or triple aspect which should ensure adequate levels of daylight and sunlight penetration. Additionally, having regard to the low-rise nature of the proposed development (2 and 3 stories) and the generous separation distances between existing and proposed buildings, I am satisfied that no undue impact in terms of overshadowing / loss of light would be likely to occur.

8.8. Other Matters

8.8.1. Following consideration of the plans and particulars submitted with the application (as amended) and having inspected the site, I have no objection or serious concerns regarding the design and layout of the proposed scheme. The residential design standards set out in the *KCDP 2023-2029* and in the *Apartment Guidelines 2023* have been substantially complied with and in my opinion the proposed scheme, (subject to some amendments as discuss previously in this report) would offer an appropriate level of amenity and privacy for future occupants whilst also ensuring that the existing amenities of adjoining properties are adequately protected. The scheme provides an appropriate level of variety in terms of house design and house type / mix, including apartments, that would cater for a wide demographic profile and contribute positively to the housing stock of Clane. The provision of apartments at

this location would accord with the prevailing pattern of development in the area and is I considered acceptable and appropriate having regard to local and national planning policy and Section 28 guidance.

- 8.8.2. Regarding the height of buildings proposed, I note that Kildare County Council in the development plan has adopted a contextual approach to building height which integrates the specific provisions of the Urban Development and Building Heights (2018) Guidelines into the KCDP 2023 whilst also directing the development of taller buildings into the most appropriate development locations within the county. This is illustrated in Table 14.4 of the plan. In accordance with Table 14.4, both infill and greenfield development within the suburban edges of towns should include an effective mix of 2, 3 and 4 storey buildings which integrates well with the surrounding pattern of development. The proposed scheme includes a mix of 2 and 3 storey buildings with the larger 3-storey mixed-use building positioned at the entrance to the development from Brooklands, where it would form a cluster with an existing similar 3-storey apartment block to the north (Hamilton Park). While no 4-storey buildings are proposed, I am satisfied that the height of units is acceptable within this context having regard to the surrounding pattern of development.
- 8.8.3. With regard to traffic, the Traffic Impact Assessment submitted with the application includes a junction analysis which assesses the effects of traffic generated by the proposed development on the R403 /Brooklands / Capdoo Park junction with and without its upgraded to a signalised junction. The R403 /Brooklands / Capdoo Park junction upgrade has since been completed and the junction now operates as a signalised junction in operation. The analysis indicates that the signalised junction will operate at capacity with minimal queues and small delays during the AM and PM peak periods with the proposed residential development in operation in 2037. A similar scenario exists with the completion of development on adjacent lands which form part of the overall masterplan. I note that neither the Local Authority Case Planner nor the Transportation Department of Kildare County Council raised any serious concerns or objections in relation to the proposed development in terms of traffic generation or traffic safety.

8.8.4. In terms of biodiversity, I note that the scheme has been designed and laid out to allow for the partial retention of existing field boundaries (hedgerows) which have been effectively integrated as part of the public open space and proposed landscaping scheme. The application is accompanied by an Arborists Report and a Tree Protection Plan. The Bat survey submitted with the application noted a high level of bat activity on site. While none of the trees within the site were considered to offer high bat roost potential, the potential for individual bats in some trees was not ruled out. The survey includes mitigation measures to address potential impacts from tree felling, habitat loss and light disturbance. I am satisfied that with the application of the recommended mitigation measures, no significant impacts on bats are likely to occur. I am aware that the Bat and Badger Assessment and the Ecological Impact Statement submitted as part of the planning application **KCC Reg. Ref: 23/728**, currently under appeal under **ABP-319096-24**, identifies the presence of a Badger Sett within the hedgerow on the eastern edge of the proposed development site, outside of the site boundary. The potential impact of the proposed development on this sett is not addressed in this application. Notwithstanding, I note that both the Bat and Badger Assessment and Ecological Impact Statement provided under **KCC Reg. Ref: 23/728 / ABP-319096-24**, include mitigation measures to address potential impacts and I am satisfied that similar measures could be incorporated into this scheme by way of condition in the event of a grant of permission by the Board. Overall, I am satisfied that the proposal would not give rise to any significant impact or result in any material loss of biodiversity on site.

9.0 AA Screening

- 9.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 9.2. The subject site is not located within or adjacent to any European Site. There are indirect surface water and wastewater pathways from the appeal site to designated sites via the River Liffey which flows c150m to the east of the site. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the South Dublin Bay River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay

SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206), North Bull Island SPA (Site Code: 004006) and the North-west Irish Sea SPA (Site Code: 004236). As the crow flies, the separation distance between the subject site and the SPAs/SACs in question is over 30 kilometres. The distance via the river flow is in excess of this distance. Additionally, drinking water for the proposed development may originate from the Poulaphouca Reservoir which is designated an SPA (Site code:4063).

9.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- The nature and scale of the proposed development
- The location of the development on serviced / serviceable lands, contiguous to the built-up area
- The distance from European Sites and nature of intervening lands uses and habitats
- The lack of direct connections with regard to the source – pathway – receptor model

9.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Recommendation

I recommend that permission for the proposed development be refused for the reason outlined below.

11.0 Reasons and Considerations

Having regard to

- The Settlement Strategy for Kildare as set out in the *Kildare County Development Plan 2023-2029*, which designates Clane as a ‘Self-Sustaining Town’ where the preferred development strategy is for measured growth with emphasis on economic growth.
- The Core Strategy of the Kildare County Development Plan 2023-2029, which allocates in Table 2.8 a housing target of 219 units for Clane based on 2.4% share of the overall housing target for the County.
- The scale and quantum of new residential development permitted in Clane since the adoption of the *Kildare County Development Plan 2023-2029*, which indicates that the Housing Targets for Clane over the development plan period have already been exceeded
- The scale and quantum of development proposed which would result in housing and population targets for Clane being further exceeded
- Objective CS O1 of the Kildare County Development Plan which seeks to Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy 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’.
- The failure of the applicants to adequately demonstrate that Clane can accommodate the extent of residential development proposed, in particular the lack of a Social Infrastructure Audit as required under Objective SC O16 of the Kildare County Development Plan

It is considered that the quantum and scale of residential development proposed at this location would be excessive, would conflict with the core strategy and settlement strategy in the *Kildare County Development Plan 2023-2029* and would be inconsistent with stated objectives set out in the *Kildare County Development Plan 2023-2029* namely Objectives CS O1 and SC O16. The proposed development

would therefore be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

13th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-319138-24		
Proposed Development Summary	A residential scheme of 91no units and creche facility on a 3.6ha site. Residential units comprise a mix of houses, maisonettes and apartments in buildings of 2 and 3 stories		
Development Address	Capdoo, Clane, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) – Threshold 500 units and (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	X	Class 10(b)(i) – Threshold 500 units and (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	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	X	Screening determination remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-319138-24
Proposed Development Summary	A residential scheme of 91no units and a creche facility on a 3.6ha site. Residential units comprise a mix of houses, maisonettes and apartments
Development Address	Capdoo, Clane, Co. Kildare
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development site comprises an area of predominantly greenfield contiguous to the established built-up area of Clane. The site is bounded by existing residential development to the west and south. The nature of the development (residential / childcare) is not exceptional in the context of the existing environment. The development does not involve demolition works nor does it require the use of substantial natural resources. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising</p>

	<p>from other housing in the neighbourhood.</p> <p>The development, by virtue of its type, would not pose a risk of major accident and / or disaster, or vulnerable to climate change.</p> <p>The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects would be marginal.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The appeal site comprises greenfield on the eastern outskirts of the town of Clane. The introduction of a predominantly residential development with an associated commercial creche would not have an adverse impact in environmental terms on surrounding land uses. Third parties have raised concerns regarding the capacity of Clane to accommodate further residential development. It is considered that this issue can be adequately addressed as part of the assessment of the application.</p> <p>The site is not located within an area of landscape sensitivity, nor does it have any historic, cultural or archaeological significance.</p> <p>The River Liffey extends approximately 150m to the east of the site providing an indirect hydrological connection</p>

	<p>between the site and Dublin Bay which accommodates a number of Natura 2000 sites. As the crow flies, the separation distance between the subject site and the SPAs/SACs in question is over 30 kilometres. Any issues arising from the connectivity to a European Site can be adequately dealt with under the Habitats Directive.</p> <p>A Bat Survey accompanies the application. Bat activity was observed on site and mitigation measures recommended to address potential impacts. No significant impacts on bio-diversity are anticipated.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Existing permitted developments in the vicinity of the site are predominantly residential in nature with permission also granted for public park on lands to the north. These developments, due to their nature and scale unlikely to result in significantly cumulative effects.</p> <p>Having regard to the nature and scale of the proposed development, its location on lands contiguous to the established built-up area of Clane, removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	X
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appropriate Assessment - Screening

Appropriate Assessment: Screening Determination

Introduction:

I have considered the proposed residential scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for appropriate assessment prepared by Openfield Ecological Services was submitted in conjunction with the application. It concludes a finding of no significant effects. The application is also accompanied by a Bat survey, Arboricultural Report, Preliminary Construction and Environmental Management Plan and a waste management plan. A description of the development and the receiving environment can be found in Section 2 of this report and in the applicant's AA screening report (pp.5 to 9).

The proposed development comprises a residential scheme of 91 residential units and a creche facility on a 3.6ha site. Wastewater from the development will pass through the Osberstown wastewater treatment plant. This plant discharges treated wastewater to the River Liffey under Licence from the EPA. Surface water run-off from roofs and driveways will be retained within the curtilage of each dwelling through the employment of SuDS techniques. Surplus run-off will discharge to a surface water sewer via attenuation tanks, flow control devices and oil/grit interceptors. Surface water will ultimately discharge into the River Liffey. The surface water management system has been designed to ensure that the quality and quantity of run-off are maintained at a greenfield standard. Water for the proposed development will be supplied from a mains supply which may originate from the Poulaphouca Reservoir which is designated an SPA (Site code:4063).

The construction phase will involve cut and fill which is expected to be balanced on site. Topsoil and subsoil are to be reused within the site. Existing tree line and hedgerow boundary features are largely retained. Any inert construction and demolition waste is to be removed by a licensed contractor and disposed of in accordance with the Waste Management Act. Some dust and noise can be

expected during the construction phase. While the operation phase will bring human disturbance as well and noise and artificial light.

European Sites

The appeal site is not located in or directly adjacent to any Natura 2000 site. Six European sites have been identified and being potentially within a zone of influence of the proposed development (Table 1 below).

The screening report identifies surface water and wastewater pathways from the appeal site to designated sites via the River Liffey which flows c150m to the east of the site. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the South Dublin Bay River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206) and the North Bull Island SPA (Site Code: 004006). The North-west Irish Sea SPA (Site Code 004236) is also relevant in this regard. As the crow flies, the separation distance between the subject site and the SPAs/SACs in question is over 30 kilometres. The distance via the river flow is in excess of this distance. Additionally, drinking water for the proposed development may originate from the Poulaphouca Reservoir which is designated an SPA (Site code:4063).

European Sites

The European Sites identified in the AA screening report within the Zone of Influence and with potential pathways are detailed below.

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Connections
SAC			
South Dublin Bay SAC (0210)	<ul style="list-style-type: none"> Mudflats and sandflats not 	c31km to the east of the site	Indirect via surface and foul water drainage

	covered by seawater at low tide <ul style="list-style-type: none"> • Annual vegetation of drift lines • Salicornia and other annuals colonising mud and sand • Embryonic shifting dunes 		
North Dublin Bay SAC (0000206)	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide. • Annual vegetation of drift lines • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • Embryonic shifting dunes • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • Fixed coastal dunes with herbaceous vegetation (grey dunes) • Humid dune slacks • Petalwort <i>Petalophyllum ralfsii</i> 	c. 33.7km to the northeast of the site.	Indirect via surface and foul water drainage
SPA			
South Dublin Bay and River Tolka Estuary SPA [004024]	<ul style="list-style-type: none"> • Light-bellied brent goose <i>Branta bernicla hrota</i> • Oystercatcher <i>Haematopus ostralegus</i> • Ringed plover <i>Charadrius hiaticula</i> • Grey plover <i>Pluvialis squatarola</i> 	c.32km to the east of the site.	Indirect via surface and foul water drainage

	<ul style="list-style-type: none"> • Knot <i>Calidris canutus</i> • Sanderling <i>Calidris alba</i> • Dunlin <i>Calidris alpina</i> • Bar-tailed godwit <i>Limosa lapponica</i> • Redshank <i>Tringa totanus</i> • Black-headed gull <i>Chroicocephalus ridibundus</i> • Roseate tern • Arctic tern • Wetland and waterbirds 		
North Bull Island SPA (0206)	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • Shelduck (<i>Tadorna tadorna</i>) • Teal (<i>Anas crecca</i>) • Pintail (<i>Anas acuta</i>) • Shoveler (<i>Anas clypeata</i>) • Oystercatcher (<i>Haematopus ostralegus</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Knot (<i>Calidris canutus</i>) • Sanderling (<i>Calidris alba</i>) • Dunlin (<i>Calidris alpina</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa totanus</i>) • Turnstone (<i>Arenaria</i> 	c34km to the northeast	Indirect via surface and foul water drainage

	interpres) • Black-headed Gull (Chroicocephalus ridibundus) • Wetland and Waterbirds		
North-west Irish Sea SPA (site Code 004236)	• Red-throated Diver • Great Northern Diver • Fulmar • Manx Shearwater (Puffinus puffinus) • Cormorant (Phalacrocorax carbo) • Shag (Phalacrocorax aristotelis) • Common Scoter (Melanitta nigra) • Little Gull (Larus minutus) • Black-headed Gull (Chroicocephalus ridibundus) • Common Gull (Larus canus) • Lesser Black-backed Gull (Larus fuscus) • Herring Gull (Larus argentatus) • Great Black-backed Gull (Larus marinus) • Kittiwake (Rissa tridactyla) • Roseate Tern (Sterna dougallii) • Common Tern (Sterna hirundo) • Arctic Tern (Sterna paradisaea) • Little Tern (Sterna albifrons) • Guillemot (Uria aalge) • Razorbill (Alca torda) • Puffin (Fratrula arctica)	c. 32km to the northeast	Indirect via surface and foul water drainage
Poulaphouca Reservoir SPA (site code: 4063).	• Greylag Goose Anser anser • Lesser Black-backed Gull Larus fuscus	c.16.9km to the southeast of the site	Indirect via water supply

Likely impacts of the project (alone or in combination)

As the proposed application site is not within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

Any potential indirect impacts on European Sites from the development would be restricted to the discharge of surface or foul water from the site. I note the proposed drainage system discharging to the River Liffey ultimately drains into Dublin Bay. The installation of surface water attenuation and SuDS systems will ensure that there will be no negative impact on water quality or quantity arising from the change in land use from agricultural to residential. I further note the proposed SuDS system is a standard system incorporated in all new developments and it is not included specifically to avoid or reduce an impact on a European site.

With regard to hydrological pathways via wastewater, I note that water flows to Dublin Bay via the Osberstown Wastewater Treatment Plant and the River Liffey. The Osberstown Plant is licenced to discharge treated effluent to the River Liffey under (EPA Waste Discharge Authorisation Licence No. D0002-01). Uisce Eireann have indicated that adequate capacity exists. I consider having regard to the significant distance of over 30 kilometres between the subject site and the European sites identified that the proposal will not impact on any of the qualifying interests associated with the Natura 2000 sites in Dublin Bay.

In Combination effects:

In combination effects have been considered. Future developments in the area are likely to be residential in nature and are unlikely to give rise to cumulative impacts on any European sites in the vicinity.

Overall Conclusion

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other

plans or projects would not be likely to give rise to significant effects on any European Site [or name relevant site] and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development
- The location of the development on serviced lands,
- The distance from European Sites and nature of intervening lands uses and habitats
- The lack of direct connections with regard to the source – pathway – receptor model,

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Inspector: _____ Date: _____