



An
Bord
Pleanála

Inspector's Report ABP-319625-24

Proposed Development	Construct 139 two-storey houses, 54 apartments in a five-storey block and 36 duplex apartments in 3 three-storey blocks with access via Harpur Lane
Location	Kilmacredock Upper, Castletown and Collinstown townlands, Leixlip, County Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	23/60485
Planning Authority Decision	Grant Permission
Applicant	Cairn Homes Properties Limited
Type of Application	Large-Scale Residential Development
Type of Appeal	Third Party
Appellant(s)	Leixlip Gate Residents' Association
Prescribed Bodies	None
Observers	None

Date of Site Inspection

5th June 2024

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of an appeal for a proposed large-scale residential development (LRD) under the provisions of the Planning and Development Act 2000, as amended (hereinafter referred to as 'the Act of 2000'). The application was subject of a decision to grant permission by the Planning Authority and subsequently appealed to An Bord Pleanála by one third party.

2.0 Site Location and Description

- 2.1. Measuring a stated gross area of 8.6 hectares, the appeal site is situated on the southwestern periphery of Leixlip in northeast County Kildare, close to the boundary with County Dublin. It comprises agricultural fields lined by mature hedgerows, bounded on the western and southern sides by the R449 regional road and a slip road leading to the M4 motorway corridor. It is approximately 2km to the west of Leixlip town centre and 1.5km to the southwest of Leixlip (Louisa Bridge) rail station. The appeal site sides onto an area that previously accommodated an avenue to Leixlip Gate and part of the northern side of site is situated within the recently-constructed residential estate named Harpur Lane. An historical demesne boundary wall is situated along part of the northern boundary with the Harpur Lane estate. A recorded archaeological site is situated on the southern periphery of the site with the motorway corridor, and this is stated to have comprised a burnt mound (National Monuments Service reference KD011-045).
- 2.2. A 60km/hr urban speed limit operates along Green Lane at the junction of the avenue leading to Leixlip Gate and Harpur Lane. There is a 3m to 9m-high tree-lined embankment falling into the site off the regional and slip road boundaries, with a more gradual 2m drop in ground levels within the remainder of the site moving east towards Leixlip Gate. Overhead electricity powerlines cut through the site in a northwest to southeast alignment. The immediate area to the east of the site is generally characterised by housing, including Carraghowen House adjoining the site, and residential estates, including Beech Park. The motorway corridor dominates the area immediately to the south and open agricultural fields are situated on the opposite side of the regional road to the west.

3.0 Proposed Development

3.1. The proposed development would consist of the following elements:

- the construction of 139 two-storey houses, three three-storey blocks containing 36 duplex apartments and a five-storey block containing 54 apartments;
- accesses and service connections via Harpur Lane, with a secondary pedestrian / cycle access off the R449 regional road;
- all ancillary site development works and services, including communal and public open spaces, landscaping, boundary treatments, external lighting, parking, services, bin stores and an electricity substation;
- temporary permission (three years) for a development advertisement sign along the R449 regional road.

3.2. The following tables set out the key features of the proposed development, as initially submitted to the Planning Authority:

Table 1. Development Standards

Site Area (gross / net)	8.6ha / 5.4ha
No. of units	229
Part V units (% build-to-sell units)	45 (20%)
Residential gross floor area (GFA)	23,419sq.m
Ancillary Residential GFA	239sq.m
Non-residential GFA	0sq.m
Overall GFA	23,668sq.m
Residential Density (net)	42 units per ha
Communal Open Space	410sq.m
Public Open Space (% of net site area)	0.95ha (17.5%)
Plot Ratio (net site area)	0.45:1
Site Coverage (net site area)	22.6%

Table 2. Unit Mix

	One-bedroom	Two-bedroom	Three-bedroom	Four-bedroom	Total
Apartments	25	29	-	-	54
Houses	-	10	119	10	139
Duplex	-	18	18	-	36

Table 3. Stated Maximum Building Heights

	Storeys	Height
Block A	5	15.8m
Blocks B & C	3	12.3m
Houses	2	9m

Table 4. Parking Spaces

Car parking (standard)	181
Car parking (car-share)	5
Car parking (accessible)	6
Car parking (visitor)	13
Car parking (total)	255
Cycle parking (visitor)	200 (50)

3.2.1. In addition to the standard contents, the LRD application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning Report;
- Architectural Design Statement;
- Construction Environmental Management Plan (CEMP);
- Landscape Strategy;
- Landscape Opinion Response;
- Arboricultural Assessment;
- Architectural Heritage Conservation Impact Assessment;
- Environmental Impact Assessment (EIA) Screening Report;
- Appropriate Assessment (AA) Screening Report;
- Traffic and Transport Assessment;
- Mobility Management Plan;
- Engineering Assessment Report;
- Daylight, Sunlight and Overshadowing Study;

- Verified Photomontages and Computer-Generated Images (CGIs);
- Part V Pack;
- Building Life Cycle Report;
- Ecological Impact Assessment Report;
- Social & Community Infrastructure Audit;
- Childcare Assessment;
- Design Manual for Urban Roads and Streets (DMURS) Statement of Consistency;
- Flood Risk Assessment;
- Site Investigation Report;
- Ground Investigation Report;
- Resource and Waste Management Plan;
- Archaeological Assessment;
- Housing Quality Assessment;
- Schedule of Accommodation;
- Notice of LRD Opinion – Specific Information Reply;
- Road Safety Audit;
- Stormwater Audit (Stage 1)
- Operational Waste & Recycling Management Plan;
- Outdoor Lighting Report;
- Environmental Noise Survey;
- Energy Statement;
- Geophysical Survey Report;
- Hydrogeological Risk Assessment Report;
- Solar Photovoltaic Glint and Glare Study;
- Lighting Response to LRD Opinion.

4.0 Planning History and LRD Opinion

4.1. Appeal Site

4.1.1. The following planning applications relate to the appeal site:

- Kildare County Council (KCC) reference (ref.) 16/632 – permission was granted by the Planning Authority in 2016 for the construction of a two-storey house, a garage and an amended shared vehicular access off the avenue to

Leixlip Gate on the lands comprising the northeast corner of the appeal site, adjacent to Carraghowen House. This permission does not appear to have been followed through;

- KCC ref. 22/1226 – temporary permission was granted by the Planning Authority in December 2022 for the creation of a permanent opening and an access route through the demesne wall on the northern boundary of the appeal site, and provision for a temporary construction compound with parking area to allow for the completion of the Harpur Lane development.

4.1.2. The following Residential Zoned Land Tax reference relates to the appeal site:

- An Bord Pleanála (ABP) ref. 316784-23 / KCC ref. C108-21 – in September 2023, the Board decided that the appeal site meet the qualifying criteria to warrant inclusion on the residential zoned land tax maps.

4.2. Surrounding Area

4.2.1. The following applications relate to the Harpur Lane development adjoining to the north of the appeal site:

- ABP ref. 307223-20 – in September 2020 a strategic housing development was granted permission for the demolition of a house and a barn, and the construction of 239 residential units in a mix of houses, apartments and duplex apartments, as well as a childcare facility and a gym, in buildings of two to four-storeys in height, to be served by a vehicular access off the avenue to Leixlip Gate;
- KCC ref. 23/606 – permission was granted by the Planning Authority in September 2023 for amendments to ABP ref. 307223-20, providing for the expansion of the previously approved childcare facility and the omission of a gym facility;
- KCC ref. 23/1065 – in May 2024 the Planning Authority requested clarification of further information in relation to an application for a proposed development comprising restoration, reinstatement and adaption of the Leixlip Gate lodge building to a two-storey house, served by an individual wastewater treatment system.

4.3. Pre-application Consultation

- 4.3.1. An initial pre-application consultation meeting took place between representatives of the LRD applicant and the Planning Authority on the 13th day of March, 2023 (under KCC ref. PP5585) in respect of a development generally comprising 192 residential units on the appeal site. The Planning Authority expressed concerns regarding the access proposals, potential noise impacts and the open space/southern section layout for the proposals. A follow-up LRD meeting was held on the 31st day of August, 2023.

4.4. Planning Authority Opinion

- 4.4.1. In the Notice of LRD Opinion, which according to the Planning Authority was issued on the 27th day of September, 2023, the Planning Authority stated that they were of the opinion that the documents submitted constituted a reasonable basis for a LRD application under section 32D of the Act of 2000. In the opinion of the Planning Authority, an application for the proposed development should be accompanied by items addressing and comprising:

- all residential units to be compliant with the minimum respective standards;
- sufficient childcare facility spaces;
- improved passive surveillance;
- alterations to proposed apartment block A;
- amended Part V proposals;
- updated landscape details, including play areas and tree protection;
- sustainable urban drainage systems (SUDS) management;
- environmental services capacity;
- Harpur Lane access details;
- minimum road widths;
- specific roads layout / lengths;
- lighting proposals for the shared access road;

- swept-path analysis;
- details of finished-floor levels;
- junctions to be compliant with the DMURS;
- undertaking of additional traffic surveys;
- car-sharing services;
- updated mobility management plan;
- electric-vehicle charging;
- a Stage 2 Road Safety Audit;
- amended lighting;
- tree root management plan;
- a construction management plan;
- R449 connection details;
- waste management plan;
- apartment block A fire and emergency design details;
- a community and social infrastructure audit;
- an acoustic report;
- arboricultural assessment.

4.5. **First-Party Response to Opinion**

4.5.1. Within the application 'Planning Report' a response to the Planning Authority's pre-application consultation opinion is provided (see pages 31 to 47). This report outlines how the application is considered to comply with the respective requirements listed in the Planning Authority's opinion. Separate documents addressing the various matters raised also accompanied the application in response to the Planning Authority LRD opinion.

5.0 Planning Authority Decision

5.1. Decision

5.1.1. The Planning Authority decided to grant planning permission for the proposed LRD subject to 54 conditions, the following of which are of note:

Condition 2 – units 17 and 18 shall be omitted and a separate planning application for a crèche to be provided in their place or in an alternative part of the site shall be submitted with a phasing plan to provide for the crèche facility in the first phase of the development;

Condition 3 – archaeological impact assessment;

Condition 5 – update the CEMP to address any archaeological constraints;

Condition 12 – a section 47 agreement to restrict purchasing of houses and duplexes;

Conditions 25 – provide a construction traffic management plan;

Condition 32 – obtain a licence for the erection of fencing / hoarding;

Condition 34 – restriction of construction hours and noise limits;

Condition 35 – control of dust and noise emissions;

Condition 38 – construction parking;

Condition 44, 45 & 46 – tree protection measures;

Condition 48 – overhead electricity lines to be undergrounded.

5.2. Planning Authority Reports

5.2.1. Planning Reports

In requesting further information, the initial report (February 2024) of the Planning Authority can be summarised as follows:

Principle and Density

- the proposed development is generally consistent with the zoning objectives and core strategy contained in the Kildare County Development Plan 2023-2029 and the Leixlip Local Area Plan 2020-2023 (as extended to 2026);
- proposals provide for a natural extension of the urban form to Leixlip;
- an indicative layout for the Leixlip Gate key development area is set out in the Local Area Plan and this is not intended to be rigid with deviations from same acceptable in the context of the overall design parameters set out for the site;
- the net density of approximately 42 units per hectare, exceeds the density set out for the key development area (Table 4-1 Residential Unit Assessment), however, this density is considered acceptable having regards to the provisions of the Development Plan and national planning policy, including the Sustainable Residential Development and Compact Settlements Guidelines;
- the proposals comply with the site coverage requirements listed in the Development Plan;
- the proximity of the site to public transport services is noted, including bus services;
- revised proposals to meet 'Part V' requirements are necessary;

Height, Design and Layout

- building heights accord with the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities;
- the design reflects and respects the recently completed residential estate to the north, as well as the existing housing developments to the east;
- pedestrian permeability through the site is considered to be relatively good with adequate links to Green Lane and the R449 regional road, and with potential for future links to the lands to the east;
- the proposed materials and legible character areas are noted;
- street trees improve the quality of the public realm;

- natural and built heritage features are incorporated into the development layout;
- concerns raised in the Planning Authority's opinion in relation to the layout of the development have been addressed, including passive surveillance of the public realm, with provision for high-quality public open spaces and access routes;
- alterations to the apartment block, including increased use of a brick finish and the integration of balconies and terraces provides for a stronger building;
- the fire and emergency vehicle access to the apartment block would be compliant with section 5.2.4 of Technical Guidance Document (TGD) Part B, with swept-path analysis illustrated by the applicant for an emergency vehicle;

Residential Amenities and Development Standards

- compliance with housing / apartment standards is noted, including room sizes and private open space;
- the proposed attic storage space in house types B1, B2 and B3 should be increased to 6sq.m;
- four terraced houses (nos.59 to 62) feature rear gardens 7sq.m below the 55sq.m required within the Development Plan, however, there is flexibility in applying these standards;
- it is intended to provide childcare spaces to serve the development, as well as the adjoining Harpur Lane estate, via spaces in the permitted childcare facility in the Harpur Lane estate (KCC ref. 23/606), however, a shortfall of 19 spaces would arise and an additional childcare facility should be provided to address this;
- the proposed noise barriers along the roadside boundaries are noted;
- the proposals are in accordance with specific planning policy requirement (SPRR 1) of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, with the proportion of three-bedroom units proposed acceptable based on the site context;

- sufficient building separation distances are proposed between the units, therefore, no significant overbearing impacts or loss of light would arise;

Access, Parking and Services

- the cycle and car parking proposed would be sufficient based on Development Plan standards and the Sustainable Residential Development and Compact Settlements Guidelines;
- traffic would be routed through Harpur Lane, while the proposed priority junctions and the hierarchy of roads would be compliant with the DMURS;
- the proposed drainage services and identified capacity in neighbouring schools are noted;
- the proposed use of nature-based solutions for SUDS aiming to enhance the quality of surface water run-off and the promotion of natural water retention measures is welcomed;

Natural and Built Environment

- archaeological survey results require further assessment in order to allow the Planning Authority to make a fully informed assessment of the subject application;
- the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of any European sites in view of the sites' conservation objectives;
- the project would not be likely to have significant effects on the environment and the preparation and submission of an EIA Report (EIAR) is not required.

5.2.2. The recommendation within the final report of the Planning Officer (April 2024) reflects the decision of the Planning Authority to grant planning permission for the proposed development and it can be summarised as follows:

- an Archaeological Assessment report with a Geophysical Survey was submitted, including the results of excavations and photographs for each test trench. No response has been received from the Minister and it is considered that a condition relating to archaeology should be attached;

- a condition should be attached requiring a separate planning application, providing full details of a childcare facility, in compliance with the Development Plan, which will require the omission of units 17 and 18;
- the revised Part V housing typologies, mix and costings are noted;
- if permitted, development contributions would apply to the proposed development.

Inter-Department Reports

- Area Engineer (northeast) – further information initially requested regarding the provision of hammer heads replacing a circuitous route;
- Transport, Mobility and Open Spaces Department - no objection, subject to conditions addressing the requirements of the DMURS, permeability, road widths, electric-vehicle parking, cycle parking, SUDS, road signage and markings, construction management, lighting, site development standards, drainage, licensing, materials, acoustic barrier details and noise;
- Water Services - no objection, subject to conditions;
- Environment Department - no objection, subject to conditions addressing waste and construction management, noise and the connections to services;
- Fire Service - further information initially requested regarding emergency access to the apartment block, and subsequently no objection raised, subject to conditions addressing water pressure and fire safety certification;
- Housing Department - further information initially requested and subsequently no objection, subject to conditions;
- Environmental Health Officer - no objection, subject to conditions addressing construction management, lighting, ventilation, waste collection and flood risk;
- Heritage Officer - no response;
- Architectural Conservation Officer - no response;
- Parks Department - no objection, subject to conditions addressing tree protection, landscaping, boundary treatments and play area requirements;

- National Roads Office – noise barriers should not impact visibility, movement or the structural integrity of the M4 motorway corridor and surface water should not drain onto this corridor;
- Strategic Projects Public Realm Team - no response;
- Building & Development Control - no objection, subject to conditions addressing construction finish standards, taking in charge details, utility maintenance, lighting, site clearance and services.

5.3. Prescribed Bodies

- Uisce Éireann – no response;
- Irish Rail – no response;
- Transport Infrastructure Ireland – no objection, subject to conditions, including those addressing the proposed acoustic barrier along the M4 motorway corridor;
- Inland Fisheries Ireland – no response;
- ESB (Electric Ireland) – no response;
- Minister for Housing, Local Government and Heritage – further information requested to be submitted in relation to the results of the licenced test excavations omitted from the archaeological assessment. Subsequently, if permission is to be granted, any permission arising should include specific conditions preserving by record the identified archaeological remains within the site, as well as the excavation and monitoring of the remaining groundworks.

5.4. Third-Party Submissions

- 5.4.1. A third-party submission was received during the consultation period for the application from a neighbouring residents' association and the matters raised in this submission are covered in the grounds of appeal referred to below.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

- 6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan to shape the future growth and development of Ireland up to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.
- 6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location. NPO 35 provides for increased residential densities in settlements through a range of measures, including increased building heights. Other NPOs of relevance to this appeal include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial and Other Guidelines

- 6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines, including revisions to same, comprise:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the 'Sustainable Settlements Guidelines');
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023);
- Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities (2021);

- DMURS (2019);
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. The following planning guidance and strategy documents are also considered relevant:

- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (3rd Edition, 2022);
- Road Safety Audits (Transport Infrastructure Ireland, 2017);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- AA of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- EIA Guidance for Consent Authorities regarding Sub-threshold Development (2003);
- Framework and Principles for the Protection of the Archaeological Heritage (1999).

6.2. Regional Planning Policy

6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.

6.2.2. Leixlip is situated in the Dublin metropolitan area, as defined in the RSES for the eastern and midland regional authority (EMRA) area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth, as well as accelerated housing delivery and integrated transport. Alongside Dunboyne, Maynooth and Dublin 15 lands, Leixlip is identified in the RSES as forming part of a North-West corridor, which has short to long-term additional population capacity for between 24,000 and 37,000 people. Short to medium-term strategic development of this area is dependent on the

phasing of enabling infrastructure, which the RSES refers to as comprising the LUAS extension to Maynooth, road upgrades, community and social infrastructure upgrades, as well as wastewater and local water network upgrades. The following regional policy objectives (RPOs) of the RSES are considered relevant to this appeal:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas.

6.3. Local Planning Policy

Kildare County Development Plan 2023-2029

- 6.3.1. Based on its location within the MASP, Leixlip is recognised in the Development Plan as a self-sustaining growth town with a reasonable level of jobs and services catering for its catchment, and with potential additional capacity for 933 residential units on 35 hectares of zoned land at densities of 35 to 50 units per hectare. Chapter 3 of the Development Plan includes a host of policies and objectives guiding housing development in the county over the period of the Development Plan. Of relevance to this appeal, objective HO O6 aims to ensure a balance between the protection of existing residential amenities, the established character of an area and the need to provide for sustainable residential development in all new developments.
- 6.3.2. Chapter 11 of the Development Plan addresses the built and cultural heritage of the county, aiming to protect, conserve and sensitively manage these features and to encourage sustainable development in this regard. Urban design and placemaking development principles are outlined in chapter 14 of the Development Plan with reference to the key development areas that are identified in Local Area Plans and supported by objectives contained therein. The Development Plan states that key development areas comprise lands within a settlement that have been identified as being strategic to the development of that settlement over the life of the respective Local Area Plan, and usually for the purposes of delivering residential housing. The intention of assigning key development areas is to set out the broad spatial parameters for the development of a site and that they are designed to assist all

parties involved in the planning process, including the planning authority, design teams and other key stakeholders. The designated key development areas are provided with written design briefs for each site, accompanied by urban design framework maps illustrating an overarching-design concept for the lands. The Development Plan states that the design briefs and accompanying maps essentially set out the key spatial elements required in order to obtain planning permission on a site.

- 6.3.3. Chapter 15 of the Development Plan comprises development management standards for various forms of development, including section 15.4.5 addressing housing design, layout and boundary treatment considerations. Leixlip Gate walls, gates and railings are included in the Record of Protected Structures (ref. B11-113) appended to the Development Plan.

Leixlip Local Area Plan 2020-2023 (as extended)

- 6.3.4. Within the Leixlip Local Area Plan 2020-2023 (as extended to 2026), the majority of the appeal site is identified as forming part of a new residential neighbourhood within the Leixlip Gate key development area. This key development area amounts to a stated 9.23ha of undeveloped residential land with an estimated capacity for approximately 323 residential units based on a residential density in the order of 35 units per hectare. The Local Area Plan identifies a strip of strategic open space on the appeal site bordering the M4 motorway corridor, including the slip road off the R449 regional road.
- 6.3.5. Based on land-use zoning objectives map (sheet no.4) accompanying the Local Area Plan, the majority of the appeal site features a 'C New Residential' land-use zoning, with an objective 'to provide for new residential development'. The strip of land along the roadside boundary with the M4 motorway and the slip road from the R449 regional road, features an 'F Open Space and Amenity' land-use zoning, with an objective 'to protect and provide for open space, amenity and recreation provision'. The area immediate to Carraghowen house occupying the northeast side of the site along Leixlip Gate Avenue, features a 'B Existing / Infill Residential' land-use zoning, with an objective 'to protect and enhance the amenity of established residential communities and promote sustainable intensification'.

6.3.6. Objective HC1.1 of the Local Area Plan aims to promote and facilitate the phased development of the three identified key development areas in accordance with guidance set out in chapter 12 of the Plan. Section 12.4 of the Local Area Plan initially sets out the context for the Leixlip Gate key development area, stating that a portion of the lands is not available for development due to its proximity to the existing dwellings along the avenue to Leixlip Gate, however, it is recognised that intensification or redevelopment of these properties may occur during the lifetime of the Plan. The vision, as well as connectivity / movement, built form, landscape and space parameters to guide proposals on this key development area are set out in the Local Area Plan.

7.0 The Appeals

7.1. Grounds of Appeal

7.1.1. The third-party grounds of appeal from a local residents' association initially welcoming the proposed development, asserts that the Planning Authority has overlooked some matters in their decision and they request the attachment of conditions to address their stated concerns. The appeal submission included extracted images from the Local Area Plan and the subject application drawings, and it can be summarised as follows:

Non-compliance with Key Development Area Layout

- proposals fail to adhere to the key development area layout detailed in the Local Area Plan by providing housing along the eastern boundary;
- between eight and 12 of the proposed houses along the eastern boundary should be omitted, due to their proximity to existing houses along this boundary and as the Local Area Plan stated that this portion of the lands would not to be available for development and was designated as strategic open space;
- the applicant engaged with the appellant during the application process, however, the applicant outlined that they considered the map within the Local Area Plan informing the layout to the key development area as being illustrative only, which the appellant contests based on the wording within the

Plan stating that 'a portion of the lands is not available for development due to its proximity to the existing dwellings along Leixlip Gate';

- the provisions of the Local Area Plan should be upheld in the final decision;

Construction Management

- the proposed development forms part of a larger development, including the amended and commenced phase 1 strategic housing development (ABP ref. 307233-20);
- the removal of trees to facilitate a temporary construction car park for the phase 1 element of the development was in breach of the previous permission (ABP ref. 307233-20) and has resulted in an increase in road traffic along the avenue to Leixlip Gate from Green Lane;
- a condition should be attached to the permission requiring the construction hoarding along Leixlip Gate avenue to be removed and the area reinstated with mature tree planting and made good along the boundary prior to the commencement of the subject proposed LRD;
- the avenue to Leixlip Gate should be repaired and resurfaced;
- widening of the avenue to Leixlip Gate is supported to facilitate movement of pedestrians and other road users, however, this needs to be sensitive to the historic tree line and avenue context.

7.2. Planning Authority Response

- 7.2.1. The Planning Authority's response to the grounds of appeal requests that the Board confirm the Planning Authority's decision to grant planning permission for the proposed development and refer to the various reports received assessing the proposed development at application stage.

7.3. Applicant's Response

- 7.3.1. The applicant has responded to the third-party appellant's grounds of appeal, and this response submission can be summarised as follows:

Non-compliance with Key Development Area Layout

- the Planning Authority considered various aspects of the proposals in a positive light, including residential density, building heights and compliance with planning provisions;
- section 12.1.1 of the Local Area Plan sets out that the design briefs set out broad parameters for key development areas and are indicative in nature, and are therefore not prescriptive;
- the principle objectives of the Leixlip Gate key development area, are followed through in the Harpur Lane development and the subject proposals, and the form of the proposed open space is appropriate;
- the Local Area Plan refers to a portion of land that is not intended to be developed under the provisions of the key development area, however, it is not clear what area this refers to, although it is most likely referring to areas shaded in grey in the key development area layout illustration;
- the permitted Harpur Lane scheme under ABP ref. 307223-20 did not rigidly adhere to the key development area layout;
- the use of key development areas in guiding development on sites is a practice used frequently by the Planning Authority in their statutory plans, to provide an indicative layout with a broad range of objectives for development sites;
- during pre-application discussions concerns were not raised by the Planning Authority regarding the layout of the development;
- in order to increase the density of the development and provide safe overlooked open space areas, the proposed development layout in the southeast corner of the site was revised;
- extensive areas of public open space, cognisant of environmental conditions, convenient to all parts of the site, are proposed, and in line with national, regional and local standards;

Construction Management

- conditions 25 and 32 of the Planning Authority's decision address construction traffic management and hoarding, and the requirements of these conditions are acceptable to the applicant and would be implemented in full;
- no additional hoarding is proposed along the avenue to Leixlip Gate and any additional hoarding would be applied for in line with the requirements of condition 32;
- the reinstatement of semi-mature trees along the avenue site boundary will occur upon completion of the construction works;
- by their nature, all developments result in short term increases in traffic, and as responsible homebuilders, the applicant ensures that there is a site manager to effectively and efficiently deal with any complaints arising;
- the haul route for deliveries and construction traffic, as set out in the CEMP, would take associated traffic movements off the road, while the route along Leixlip Gate south of the access to Harpur Lane, would only serve construction staff parking and not delivery vehicles, such as heavy-goods trucks;
- traffic management measures, including stop-go system, would be employed along the 160m-stretch of the avenue to Leixlip Gate to facilitate safe access along this route, while ensuring priority passage for traffic associated with neighbouring residences;
- changes to the construction traffic management system can be made should issues arise;
- the applicant is committed to resurfacing and repairing the haul and access routes upon completion of the proposed development.

7.4. Observations

7.4.1. No observations were received in response to the appeal.

8.0 Assessment

8.1. Introduction

8.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. I have reviewed the application and appeal documentation and I am aware of the planning provisions relating to the site and the proposed development. I am satisfied that the substantive planning issues arising from the appeals submitted can be addressed under the following headings as part of my planning assessment:

- Development Layout;
- Impacts on Neighbouring Amenities;
- Construction Management.

8.1.2. From the outset I note that the Leixlip Local Area Plan 2020-2023 initially came into effect in February 2020 and in May 2024 an extension of the period of this plan came into effect, extending the life of the Plan into 2026. I am satisfied that this Local Area Plan forms the statutory plan for this area.

8.1.3. Matters relating to the proposed development and building height provisions, the standard and type of the residential accommodation proposed, services, flood risk and archaeology, as well as operational stage access, parking and traffic, have been addressed by the Planning Authority in their assessment, with conditions attached, and the appeal submitted does raise any substantive issues with these matters. I am satisfied that matters do not arise specifically with regard to these planning matters and, in the event of a grant of planning permission for the proposed development, standard conditions can be applied with respect to same.

8.1.4. In relation to the net density proposed (42 units per hectare), I note that the Planning Authority refer to this net density as exceeding the 35 units per hectare net density referred to in the Local Area Plan for the Leixlip Gate key development area. I am satisfied that the net density referenced in the Local Area Plan is not rigidly set owing to the wording used in the Plan as stating use of a net density 'in the order of' 35 units per hectare. I consider this to provide some flexibility in the assessment of net

residential densities for the site with the additional density proposed not substantive and not materially at odds with the Local Area Plan provisions in this regard.

Furthermore, the net density proposed would be supported by the density policies and objectives of the Sustainable Settlements Guidelines for a suburban extension of a metropolitan town with a population greater than 1,500.

- 8.1.5. The Planning Authority initially raised an issue regarding head clearance heights for spaces serving as internal storage space in proposed house types B1, B2 and B3, thereby suggesting increased internal storage space to be provided in their respective attics. This matter was not raised in the Planning Authority's further information request or their decision, and I do not consider it to require any further action given that the respective attic spaces would each have scope to allocate and provide the requested minor increase in internal storage.

8.2. **Development Layout**

Land Use

- 8.2.1. In objecting to the layout of the development, the third-party appellant asserts that housing should not be constructed on the eastern boundary of the site proximate to existing housing located off the avenue to Leixlip Gate. The proposed houses that the appellant requires to be omitted comprise house nos. 17 to 41 forming a square of terraced and semi-detached units fronting onto a network of streets within this southeast corner of the development. Based on a review of the site layout plan submitted with the application (drawing no. 22241-PLA-103 Revision B) and the land-use zoning objectives map (sheet no.4) accompanying the Local Area Plan, the area containing proposed house nos. 17 to 41, is assigned a 'C New Residential' land-use zoning, which the Local Area Plan states to feature an objective 'to provide for new residential development'. The subject proposals provide public open space south of these houses along the M4 motorway corridor, where the Local Area Plan shows it to feature an 'F Open Space and Amenity' land-use zoning. Consequently, the principle of providing housing in the southeast corner of the site would accord with the statutory land-use zoning objectives for the site.

Layout Guidance

- 8.2.2. Chapter 14 of the Kildare County Development Plan 2023-2029 sets out the key guidance documents in relation to concepts and policy objectives shaping new urban residential developments in the county, including reference to the designated key development areas, which are to be guided by a written design brief for each site and accompanied by an urban design framework map, illustrating an overarching design concept for the lands. These statutory plan details essentially set out the primary spatial elements required in order to obtain planning permission on a site within a key development area. The Development Plan refers to various guidelines when addressing key design principles, including the DMURS and the Guidelines for Planning Authorities on Sustainable Residential Development Guidelines and the accompanying Urban Design Manual, which have since been replaced by the Sustainable Settlements Guidelines. The Planning Authority has assessed the proposals against the provisions of the Sustainable Settlements Guidelines, and they did not find the development to be contrary to these Guidelines. Furthermore, the grounds of appeal do not raise any issues with respect to the layout of the development relative to the provisions of these Guidelines, and I am satisfied that the layout of the proposed development would not be in conflict with the urban design and placemaking parameters supported by these Guidelines.

Key Development Area

- 8.2.3. The primary basis for the appellant's assertion that the housing should be omitted from the eastern boundary of the proposed development, is centred on the provisions of the Local Area Plan addressing the Leixlip Gate key development area. In providing for housing and not maintaining open space in this area, the appellant asserts that the proposed development fails to adhere to the provisions of the Local Area Plan. The appellant also highlights that the Local Area Plan states that a portion of Leixlip Gate key development area is not available for development due to its proximity to existing dwellings along Leixlip Gate. In response to the grounds of appeal, the applicant asserts that the proposals comply with the relevant planning provisions and that the design brief layouts set out for key development areas in the Local Area Plan do not need to be rigidly adhered to, as was the case in the Harpur Lane development (ABP ref. 307223-20) and accepted during the subject pre-application discussions with the Planning Authority.

- 8.2.4. Figure 12.3 of the Local Area Plan provides an illustration of the potential layout of development within the Leixlip Gate key development area, including residential blocks, key building frontages, accesses, streets, routes, strategic open space, focal buildings, existing hedgerow / vegetation and demesne walls, and reinforced landscaping. With respect to 'built form' the Local Area Plan states that the Leixlip Gate entrance structure is a Protected Structure (RPS ref. B11-59) leading to a tree lined avenue that previously formed part of Castletown Demesne. The area of the appeal site adjacent to Carraghowen House featuring a 'B Existing / Infill Residential' land-use zoning in the Local Area Plan, is not included as part of the key development area.
- 8.2.5. I am satisfied that the proposed development features all elements identified in the key development area, albeit in a different arrangement. The strategic open space and existing hedgerow / vegetation detailed in the key development area layout drawing along the southeastern boundary of the site is omitted from the subject proposals, and it is this element of the proposals that the appellant has an issue with.
- 8.2.6. The Local Area Plan sets out that all of the design briefs in the Local Area Plan have been prepared to guide development in these areas. The Local Area Plan states that these design briefs 'set out broad parameters for the future development of these areas and are indicative in nature', with more detailed urban analysis required as part of the preparation of any development proposal.
- 8.2.7. The application includes various documentation and drawings addressing the reasoning for arriving at the subject proposals. An Architectural Design Statement addressing matters raised in the opinion of the Planning Authority, was submitted with the application, while also referring to the site planning context, site constraints and environmental conditions, the development rationale, key concepts and compliance with various urban design criteria.
- 8.2.8. With respect to the eastern boundary area highlighted by the appellant in their appeal, I note that the applicant's tree constraints plan (drawing no. LGL001) identifies 'woodland belt no.1' in this area, including tree numbers 0601 to 06014 located on the appeal site. Part of this woodland belt sits outside of the appeal site boundary, separating the development area from the existing low density housing to the east. The proposals would require the removal of part of this woodland belt,

including four sycamore trees within the appeal site (numbers 0601, 0602, 0603 and 0604). Notwithstanding this, as illustrated in the tree protection plan (drawing no.LGL002) and the landscape layout (drawing no.60672634-SHT-20-L-1002), many of the existing trees would remain in situ along the southern end of this woodland belt, as well as directly adjoining the site to the east. I am satisfied that by undertaking a detailed arboricultural assessment, the proposals maintain a reasonable provision of trees and woodland within the southeast corner of the site, and I am not aware of a specific requirement to maintain all trees and woodland in this area.

8.2.9. Other parts of the site indicated as possibly accommodating residential blocks in the key development area layout are proposed to form public open space in the subject development with the site's primary green space central to the development and bisected by an existing mature hedgerow that would be maintained and integrated into the landscaping. I am satisfied that the application is accompanied by various documents to support the detailed architectural and urban design undertaken by the applicant in arriving at the subject proposals. With part of the woodland belt remaining on the appeal site and adjacent to the site southeast boundary, the subject proposals would maintain a reasonable visual buffer between the proposed buildings and the housing to the east. Furthermore, in doing so, the proposals would not substantially interfere with the setting or character of the avenue leading to the Leixlip Gate entrance located 100m to the northeast of this part of the site.

8.2.10. I note that the other lands within the subject key development area comprising the Harpur Lane estate, were subject of a grant of planning permission under ABP ref. 307223-20. The layout of the estate permitted in this recently constructed strategic housing development is understood to have been informed by the natural and built environment, and features residential blocks connected by a network of streets, interspersed with open space areas. These permitted open spaces comprise a central open space overlooked by housing and duplex blocks, a secondary square of open space with play area south of a crèche and gym block in the northwest corner, and a strip of open space along the Leixlip Gate avenue frontage and a minor watercourse running through the development. The location of the permitted central area of open space and the open space along the avenue to Leixlip Gate frontage would generally accord to the locations of strategic open space identified within the

key development area layout, although the other spaces along the minor watercourse and south of the crèche and gym block do not conform to the strategic open space areas identified in the key development area layout. Furthermore, the most extensive open space area indicated in the key development area layout map, which was illustrated to be located adjoining to the north of the demesne wall and the R449 regional road boundary, was not provided in the permitted Harpur Lane development. While I acknowledge that elements of the key development area layout were followed through in the permitted Harpur Lane development, substantive elements of the key development area layout were not followed through to this permitted development. I consider this to be reflective of the fact that the key development area layout in the Local Area Plan was intended as only setting out the broad parameters for the future development of this area, as well as being indicative in nature, therefore, it would not be unexpected for the proposed development layout not to strictly adhere to the Local Area Plan key development area layout.

Conclusion

- 8.2.11. I acknowledge that the Local Area Plan refers to the design briefs as assisting various parties involved in the planning process in the preparation and assessment of detailed proposals, however, I do not consider this to imply that the design briefs are fixed or that deviation from the suggested layouts or broad development parameters would be unacceptable at planning application or appeal stage. There is a clear acceptance in the Local Area Plan that the layout and development parameters in the Leixlip Gate key development area are purely indicative in guiding future developing of the subject lands and that detailed design at application stage would ultimately inform the final development layout. I am satisfied that the approach undertaken by the applicant in setting out the key spatial elements of the development appears reasonable based on the information provided and the overarching design concept indicated for the site, as illustrated and set out in section 12.4 of the Local Area Plan addressing Leixlip Gate key development area.
- 8.2.12. In conclusion, I am satisfied that it would not be necessary for the proposed development to be revised via condition, or indeed refused permission, on the basis of planning provisions in the Local Area Plan relating to the Leixlip Gate key development area.

8.3. Impacts on Neighbouring Amenities

- 8.3.1. The grounds of appeal state that between eight and 12 of the proposed houses along the eastern boundary should be omitted, due to their proximity to existing houses along this boundary and as the Local Area Plan stated that this portion of the lands would not to be available for development. Objective HO O6 of the Development Plan aims to ensure a balance between the protection of existing residential amenities, the established character of an area and the need to provide for sustainable residential development in all new developments. Accordingly, an assessment of the impact of the proposed development on the residential amenities of neighbouring properties proximate to the east boundary of the site is necessary.

Context

- 8.3.2. The closest existing residential properties to the southeast of the proposed development and closest to the houses requested to be omitted comprise the houses known as Carraghowen House, Roncalves, Mullrua, 7 Leixlip Gate and Mountain View. The boundary to the house known as Carraghowen House adjoining to the northeast of the appeal site, would be located between 4.5m and 30m from the proposed two-storey houses that are requested to be omitted. These proposed houses would be positioned over 40m from the nearest elevation to Carraghowen House with the proposed house ground-floor levels approximately 0.5m to 2m above that of Carraghowen House. There would be a separation distance of 45m from the closest proposed house no.36 and the house known as Roncalves to the northeast on the opposite side of the avenue to Leixlip Gate. A separation distance of 40m across this avenue would be provided between proposed house no.36 and Mullrua, which was recently constructed and does not appear on the applicant's site layout plans. Increased separation distances of 50m to 55m would be provided from the house at 7 Leixlip Gate from the closest proposed houses (nos.35 and 36).
- 8.3.3. There are more substantive separation distances between the proposed houses and other neighbouring residences, including the houses known as Ashlar, Van Dyke, Mountain View, White Coppice, Thornfields and 3 Leixlip Gate, as well as in Beech Park, with part of the avenue and a line of mature trees providing a substantive visual buffer between the appeal site and housing to the east.

Overlooking and Loss of Privacy

- 8.3.4. The Development Plan refers to the traditional minimum separation distance of 22m between directly opposing first floor windows, with scope for some reductions in particular circumstances. Section 15.4 of the Development Plan addressing residential development standards refers to the revoked Sustainable Residential Development Guidelines and the associated Urban Design Manual when planning for sustainable residential communities. SPPR 1 of the Sustainable Settlements Guidelines states that Development Plans should not include minimum separation distances that exceed 16m, and when considering a planning application for residential development a separation distance of at least 16m should be maintained between opposing windows above ground-floor level serving habitable rooms at the rear or side of houses, duplex units and apartment units.
- 8.3.5. While the third-party appellant does not specifically find issue with the existing and proposed building separation distances, given the separation distances that would be achieved, and the requirements of SPPR 1 of the Sustainable Settlements Guidelines, there would not be potential for excessive overlooking to arise for the existing neighbouring residences. I note that the separation distance between proposed house no.21 and the boundary to Carraghowen House drops to 4.5m, however, this would not result in substantive loss of privacy or excessive overlooking for residents of Carraghowen House, given the extensive garden associated with this adjoining house and the fact that the subject boundary directly adjoins an access road to the house that is lined by a mature line of conifers, comprising Leyland Cypress, which the applicant's Arboricultural Assessment notes to provide a visual screen between the properties. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted.

Outlook and Overbearing Impacts

- 8.3.6. The proposed development would be partially visible from the avenue leading to Leixlip Gate and the external and internal areas of properties neighbouring the site. Consequently, in some part it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including photomontage no.6, I consider that the extent of visual change that would

arise for those with views of the development, would be very limited and reasonable having regard to the separation distances referred to above, the intervening mature screen planting and as a contemporary development of this nature would not be entirely unexpected in this area, owing to the zoning of the site and the emerging pattern of development in the area, including the recently developed Harpur Lane estate.

- 8.3.7. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. The proposed houses closest to the avenue to Leixlip Gate would feature two-storeys, which would be similar to the single and two-storey houses in the immediate area. Photomontage no.6 in the applicant's Verified Photomontages and CGIs booklet provides an illustration of the appearance of the development from the avenue to Leixlip Gate and the houses at Leixlip Gate Lodge. Based on the information available, I am satisfied that the proposed development would not be overly prominent when viewed from the nearest properties, with an open outlook and sky view maintained. There would be sufficient intervening space between the existing properties and the proposed houses to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring properties.

Impacts on Light

- 8.3.8. In assessing the impact of the development on light access to neighbouring properties where occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens.
- 8.3.9. The Development Plan requires all new developments to have regard to the recommendations of the second edition (2011) of the BRE 209 Guide 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and the British Standard (BS) 8206 'Lighting for Buildings, Part 2, 2008: Code of Practice for Day Lighting', or other updated relevant documents. A revised third edition of this BRE 209 Guide issued in 2022 and I am satisfied that this revised guide can be used in

assessing the impacts on daylight and sunlight to existing neighbouring properties arising from the proposed development. Furthermore, the Sustainable Settlements Guidelines refer to the various technical standards that can be used in considering the impacts of a development on daylight, including guides like the 2022 third edition of the BRE 209 Guide.

8.3.10. The application included a Daylight, Sunlight and Overshadowing Study report, which assesses the effect of the proposed development on the sunlight and daylight to neighbouring residences, based on the achievement of minimum targets contained in the BRE 209 Guide 2022. When considering the impact on daylight to existing living rooms, kitchens and bedrooms, the BRE 209 Guide 2022 sets out that:

- if any part of a new building, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected;
- adverse effects would arise if the VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value;
- adverse effects would arise if the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value;
- if the VSC for existing windows is above 27% with the proposed development in place, the windows are considered to still receive good daylight availability and therefore not adversely affected.

8.3.11. The test steps outlined above are a general guide only and the BRE 209 Guide 2022 states that the steps need to be applied flexibly, as natural lighting is only one of many factors in site layout design. It is clear that the guidance recognises that there may be situations where reasonable judgement and balance needs to be undertaken cognisant of circumstances. To this end, I have used the BRE 209 Guide 2022 to assist me in identifying where potential impacts may arise and also to consider whether such potential impacts are reasonable for the development, having regard to the need to provide new homes within the Dublin metropolitan area, the need for increased densities within zoned, serviced and accessible sites, and the need to address impacts on existing residents, as much as is reasonable and practical.

- 8.3.12. Based on the first step in the test criteria outlined above, in assessing the impact of a proposed development on daylight to rooms in neighbouring houses the applicant's study highlighted via section drawings, that when measured in a vertical section perpendicular to the main window walls of the existing buildings and from the centre of the lowest window, the proposed houses in the southeast corner of the site would not subtend above an angle of 25° to the horizontal. Accordingly, daylighting to the existing buildings could not be adversely affected by the proposed development based on the BRE 209 Guide 2022. Similar steps in the test criteria would also apply when assessing sunlight provision, with the 25° rule not being broken, therefore, based on the provisions of the BRE 209 Guide 2022 the proposed houses would not adversely compromise access to sunlight in neighbouring houses along the avenue to Leixlip Gate.
- 8.3.13. For a development to be acceptable with respect to overshadowing impacts, the BRE 209 Guide 2022 requires that greater than half of neighbouring garden areas receive at least two hours of sunlight on the Spring equinox, or a change in shadowing that would be no less than a ratio of 0.8 the existing situation. The applicant's lighting report assesses the extent of overshadowing that would arise following completion of the proposed development for the closest neighbouring private garden areas, including those along the immediate avenue to Leixlip Gate. The results of testing are presented in graphical and table format, highlighting that a reduction of less than two hours in sunlit areas in the tested neighbouring gardens would not arise. The shadow analysis undertaken also highlights that only minor additional shading from the proposed development would arise for existing properties during evening time in March and June, with no additional overshadowing throughout the rest of the year.
- 8.3.14. In conclusion, based on the information provided showing compliance with the minimum requisite standards, I am satisfied that undue loss of loss of sunlight and daylighting or excessive overshadowing of neighbouring properties would not arise as a result of the proposed development.

Conclusions

- 8.3.15. In providing a new residential development while suitably protecting existing residential amenities, the proposed development would comply with the stated

provisions under Objective HO O6 of the Development Plan. I am satisfied that the impact of the proposed houses on the residential amenities of neighbouring properties along the avenue to Leixlip Gate does not provide justification for the exclusion of a portion of the subject development along this part of the site, including the omission of houses, or the refusal of planning permission for the proposed development.

8.4. Construction Management

- 8.4.1. The appellant refers to various construction phase impacts of the project, which they consider to need addressing. From the outset, I acknowledge that the applicant for the subject proposals, was also the applicant for the Harpur Lane strategic housing development permitted by the Board in September 2020 (ABP ref. 307233-20) and recently partially completed adjoining the appeal site. The applicant anticipates that the proposed development would be undertaken over a period of approximately 18 months.

Traffic & Haul Routes

- 8.4.2. The appellant's primary concerns with respect to the construction management element of the proposed development relates to the increased traffic that would arise along the avenue to Leixlip Gate. The stretch of the avenue leading to Leixlip Gate south of the vehicular entrance to Harpur Lane, reduces in width to a single-lane carriageway with trees and the entrances to houses tight to the back edge of this carriageway. Previous traffic management measures employed by the applicant to address the construction traffic using this narrow stretch of the avenue, featured stop-go traffic lights / signals, signage, speed limit restrictions, safety barriers and security hoarding. The applicant intends to undertake a similar approach in relation to the subject proposals, as the narrow section of the avenue measuring approximately 160m in length, would provide an access for construction staff to a car park area separate to the delivery and haul route.
- 8.4.3. The CEMP submitted with the application details that the construction delivery traffic access to the appeal site would initially be routed through the Harpur Lane development with various traffic management measures to be implemented along the short stretch of the avenue to Leixlip Gate and Green Lane to the north, to

facilitate safe access to and from the site (see appendix A to the CEMP). Various construction traffic management measures are outlined in the CEMP, including the co-ordination / scheduling of deliveries, use of a flagman, wheel-washing and mobility management measures to encourage use of alternative modes and methods to travel to and from the site. In response to the grounds of appeal, the applicant states that various amendments to the construction traffic management measures can be undertaken should any issues arise.

- 8.4.4. The Planning Authority's decision comprised numerous conditions addressing the construction phase of the project, including condition 25 stating that:

'Prior to the commencement of development, the Developer shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan indicating all haul routes to and from the site and for the delivery of the development. Haul routes cannot be changed unless approved by the Planning Authority, Transportation and MD Section. Pre and post conditions survey of haul routes to be submitted prior and post development. Prior to commencement of development the developer to install a temporary wearing course layer on the haul route at Green Lane if it is used by construction traffic'.

- 8.4.5. Despite looking for longer working hours, the Planning Authority restricted the construction hours for the proposed development to between 08:00 and 18.00 hours Monday to Friday, and between 08:00 14:00 hours on Saturdays, and the applicant has not appealed against this condition or any other conditions.

- 8.4.6. A request to widen and resurface the avenue to Leixlip Gate to facilitate movement of pedestrians and other road users is set out in the grounds of appeal, however, I note that the development does not propose any works along this avenue, and only two stretches of the avenue are identified as forming part of the lands in control of the applicant (see 'Site Layout Plan – Complete Site' drawing no. 22241-PLA-103 Revision B). In response to the grounds of appeal, the applicant has stated that they are committed to resurfacing and repairing all haul and access routes upon completion of the proposed development. Furthermore, the operation phase of the development would not rely on the narrow stretch of the avenue south of the vehicular access to Harpur Lane, therefore, I am satisfied that there would not be a

necessity for this stretch of the avenue to be widened to facilitate the proposed development.

Compound / Parking Areas

- 8.4.7. According to the appellant the removal of trees to facilitate a temporary construction car park for the Harpur Lane development was in breach of the previous permission (ABP ref. 307233-20) and they request that the area is reinstated with mature tree planting and made good. In this regard, I note that matters pertaining to claims of potential enforcement issues and completion of a development in compliance with a permission fall under the jurisdiction of the Planning Authority and are not matters to be adjudicated upon in this appeal. Notwithstanding this, the applicant states that they are committed to the reinstatement of semi-mature trees along the site boundary following the completion of the project. On my site visit I noted recently-planted and staked, semi-mature trees along the applicant's side of the avenue leading to Leixlip Gate.
- 8.4.8. The appellant also requests that construction hoarding be removed from an area along the avenue to Leixlip Gate, which I note to be within the landholding in control of the applicant. This hoarding is understood to have previously secured a construction servicing and parking area associated with the Harpur Lane development and would again be used on a temporary basis for the subject proposals. If additional hoarding is required the applicant states that they would apply for same in compliance with condition 32. I am satisfied that the temporary provision of hoarding would be a standard practice for a construction project of this nature and scale, and accordingly would not have scope to have a permanent negative impact on the visual amenities of the area.

Conclusion

- 8.4.9. The measures set out by the applicant are well-proven in controlling construction phase impacts and the Planning Authority has not highlighted any concerns in relation to the previous construction works undertaken by the applicant in relation to the adjoining Harpur Lane development. The proposed works would be of a limited temporary nature and while there would be likely to be some construction phase impacts arising from the proposed development for the avenue along Leixlip Gate, the approach undertaken by the applicant would very much limit the impacts of the

construction phase on the amenities of surrounding residents. I am satisfied that the information submitted with the application provides due recognition from a planning perspective of the site context, the construction processes and the project scale and nature relative to neighbouring residences. As per the Planning Authority's decision standard conditions can be attached to restrict the construction hours and operations, as well as provide clarity on the construction processes and management as part of a final project CEMP.

- 8.4.10. In conclusion, I am satisfied that the construction phase impacts would only be of a temporary duration and would not have undue or significant impacts for neighbouring residents. The enforcement of the conditions relating to the construction phase of the project are a matter for the Planning Authority to oversee.

9.0 Environmental Impact Assessment Screening

- 9.1.1. The applicant addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning and Development Regulations 2001, as revised (hereinafter 'the Planning Regulations'). I have had regard to same in this screening assessment. Where an application is made for subthreshold development and Schedule 7A information is submitted, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.

Project Thresholds

- 9.1.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for various classes of development, including the following:

- Class 10(b)(i) construction of more than 500 dwelling units,
- Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

9.1.3. The development is described in section 3 above and would provide for the construction of 229 dwelling units in a mix of houses, apartments and duplex apartments, as well as open space areas, on a gross site measuring 8.6ha. Taking into consideration the scale and nature of development proposed and the site area, having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the nature and the size of the proposed development is below the applicable class 10(b) mandatory thresholds requiring submission of an EIAR and the undertaking of an EIA. The cumulative number of units permitted (ABP ref. 307223-20) and proposed on the applicant's landholding in this area would amount to a maximum of 468 dwelling units on approximately 14.5ha that comprised open greenfield adjacent to a built-up area, while also including the permitted road upgrade area along the avenue to Leixlip Gate. Consequently, the stated mandatory thresholds would not be exceeded by the cumulative totals.

Project Characteristics, Location and Potential Impacts

9.1.4. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The provision of residential development on this site would not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of specific natural heritage merit. The closest structure included in the Record of Protected Structures (RPS) comprises Leixlip Gate walls, gates and railings (RPS ref. B11-113), with the gate entrance lodge located approximately 100m to the northeast of the site and the associated walls running along the northern boundary of the site to be preserved and protected as part of the setting for an area of open space between the development and Harpur Lane. A national monument or structure comprising a burnt mound feature (NMS ref. KD011-045) is located along the southern boundary of the appeal site close to the motorway corridor. The applicant's Archaeological Assessment, which was updated and resubmitted following a further information request from the Planning Authority, indicated two additional areas of archaeological potential on the proposed housing area of the appeal site and it recommended that further archaeological investigations should be undertaken under licence from the NMS. This can be addressed as a condition in the event of a permission for the proposed development.

The townland boundary cutting across the southeastern corner of the site, including the associated hedgerow and other vegetation along this boundary, would not be impacted by the construction works in the subject proposals.

- 9.1.5. Following various ecological surveys, Annex I habitats were not recorded within the appeal site and only limited use of the appeal site by flora and fauna was identified within the applicant's Ecological Impact Assessment dated December 2023. The site is dominated by improved agricultural grassland with mixed broadleaved woodland, scrub, pond, treeline, hedgerow and drainage ditch habitats. Invasive species and terrestrial mammals, including badgers, were not recorded on site. Bats and birds were noted to use the site for commuting and foraging purposes. The pond area that is recorded as being used by breeding frog populations would remain as part of the development. The applicant also addressed the potential impacts of the development on neighbouring proposed Natural Heritage Areas (pNHAs), a RAMSAR site and the Dublin Bay UNESCO Biosphere site. I am satisfied that given the information available and provided with the application highlighting that limited ecological habitats are recorded on the site and the separation distance from the site across intervening urban areas the proposed development would not have any significant effects on the biodiversity of the appeal site or the immediate and wider area. Furthermore, section 10 below addresses whether or not the subject proposals would adversely affect the integrity of European sites. The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any ecological site.
- 9.1.6. The appeal site is not within an area of flood risk, as highlighted in the Flood Risk Assessment submitted with the application and the Local Area Plan (map no.5), and the proposed development would not give rise to waste, pollution or nuisances that differ from those arising from other housing in the immediate area. It would not give rise to a risk of major accidents or risks to human health, with the closest Seveso-licensed site comprising the lower-tier Intel manufacturing plant situated over 1km to the north of the site. The proposed development would use the public water and drainage services of Uisce Éireann, upon which its effects would be marginal.
- 9.1.7. The reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the impacts of the proposed development. The reports assert that, subject to the various recommended construction and design-

related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal, including the following:

- EIA Screening Report;
- AA Screening;
- Ecological Impact Assessment;
- Biodiversity Enhancement Plan;
- Planning Report;
- Architectural Design Statement;
- Engineering Assessment Report;
- CEMP;
- Traffic and Transport Assessment;
- Verified Photomontages and Computer-Generated Images (CGIs);
- Flood Risk Assessment;
- Architectural Heritage Conservation Impact Assessment;
- Archaeological Assessment;
- Resource and Waste Management Plan;
- Operational Waste & Recycling Management Plan;
- Hydrogeological Risk Assessment Report.

9.1.8. In addition, noting the requirements of Article 103(1A)(a) of the Planning Regulations, the first party has provided information as part of the various reports submitted indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union (EU) legislation other than the EIA Directive. In this

regard I note the following EU Directives are addressed by the first party in their application documentation:

- Directive 92/43/EEC – Habitats Directive;
- Directive 2009/147/EC - Birds Directive;
- Directive 2010/31/EU – Energy Performance of Buildings;
- Directive 2000/60/EC - Water Framework Directive;
- Directive 2008/98/EC - Waste Framework Directive;
- Directive 2010/75/EU - Industrial Emissions Directive;
- Directive 2018/850/EU - Landfill of Waste;
- Directive 2006/44/EEC – Fresh Water Quality.

9.1.9. Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Local Area Plan. I am satisfied that the information required under Article 103(1A)(a) of the Planning Regulations has been submitted. The information provided in the application EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

9.1.10. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based

on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the subject application and the opinion of the Planning Authority. Any of the conditions set out by the Planning Authority would not have a material impact on the conclusions of this screening. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

10.0 Appropriate Assessment

- 10.1.1. Appendix B of this report provides AA screening determination, which concludes the following. Having regard to the distance between the proposed development site and any European sites, the very weak ecological pathways and the standard construction management measures, as well as the connections to environmental services, the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin Bay.
- 10.1.2. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 004236 (North-West Irish Sea SPA) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and AA is not, therefore, required.
- 10.1.3. The possibility of significant effects for all European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been relied upon in my reaching of a conclusion in this screening process.

11.0 Recommendation

11.1. Having regard to the above assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the draft Order below.

11.2. Finally, 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.

12.0 Recommended Order

Planning and Development Acts 2000 to 2020 as amended

Planning Authority: Kildare County Council

Planning Register Reference Number: 23/60485

Appeal by Leixlip Gate Residents' Association against the decision made on the 5th day of April, 2024, by Kildare County Council to grant subject to conditions a permission to Cairn Homes Properties Limited care of MCG McGill Planning, 22 Wicklow Street, Dublin 2, D02VK22, in accordance with plans and particulars lodged with the said Council.

Proposed Development:

The development will consist of:

- construction of 229 no. dwellings comprising:
 - a) 139 no. 2-storey houses comprising 10 no. 2-bed, 119 no. 3-bed and 10 no. 4-bed units;
 - b) 54 no. apartments within 1 no. 5-storey block comprising 25 no. 1-bed and 29 no. 2-bed units;
 - c) 36 no. duplex units within 3 no. 3-storey blocks comprising 18 no. 2-bed and 18 no. 3 bed units;

- all with associated private gardens/ balconies/ terraces to the north/south/east/west elevations.
- 255 no. car parking spaces (including e-charging points) and 250 no. secure bike parking spaces (with residential spaces located within dedicated bicycle stores);
- vehicular accesses to the development via the Harpur Lane development to the north with pedestrian/ cyclist access via Harpur Lane and the R449 to the west. This includes a second access to Harpur Lane provided via the creation of a second permanent opening in the existing boundary demesne wall. Minor amendments to the permitted Harpur Lane development (Ref. ABP-307223-20) to provide the proposed accesses/connections and for connections to services;
- provision of new open spaces and landscaped areas including a new public park to the south and west of the site;
- all associated site development works (including reprofiling of the land), boundary treatments, acoustic fencing (along the boundary with the R449 and M4 slip road), bin stores, ESB substations, public lighting; site services, drainage works and all associated infrastructure;
- temporary permission (3 years) is also sought for the erection of an advertising signage adjacent to the R449 (total area c.9.29 sq.m);

at Kilmacredock Upper, Castletown and Collinstown townlands, Leixlip, County Kildare.

Decision

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

Reasons and Considerations

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

- a) the location of the site within the settlement boundaries of Leixlip with a land-use zoning objective for 'C – New Residential' under the Leixlip Local Area Plan 2020-2023 (as extended);
- b) the policies and objectives of that Local Area Plan;
- c) the policies and objectives of the Kildare County Development Plan 2023-2029;
- d) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- e) the pattern of existing and permitted development in the area;
- f) the provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- g) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- h) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- i) the provisions of Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in 2024;
- j) the submissions and observations received; and
- k) the report of the Planning Inspector.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which is situated on the edge of an urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the thresholds in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the location of the proposed housing development on lands zoned within the Leixlip Local Area Plan 2020-2023 as 'C – New Residential' with a stated objective 'to provide for new residential development';
- the nature of the existing site and the existing and permitted pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development',

issued by the Department of the Environment, Heritage and Local Government (2003);

- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Archaeological Assessment, Resource and Waste Management Plan, Operational Waste & Recycling Management Plan, Hydrogeological Risk Assessment Report, Ecological Impact Assessment, Flood Risk Assessment Report and the Engineering Assessment Report

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of impacts on traffic and would be compliant with the provisions of the Leixlip Local Area Plan 2020-2023 (as extended), and would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12th day of March, 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission authorises the construction of 227 no. units. The proposed development shall be amended as follows:
 - (a) Proposed unit numbers 17 and 18 shall be omitted and revised drawings indicating any amendments required to unit numbers 19, 20 and 21 shall be submitted prior to the commencement of development, for the written agreement of the Planning Authority.
 - (b) Within six months of the final grant of permission, the applicant / developer shall lodge a separate application for a crèche facility in place of proposed unit numbers 17 and 18, or on an alternative suitable location within the red line boundary of the proposed development site.
 - (c) The development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of clarity and to ensure the timely provision of services and facilities, for the benefit of the occupants and residents of the proposed units and the satisfactory completion of the overall development.

3. Mitigation and monitoring measures outlined in the plans and particulars submitted with the application, including the Construction Environmental Management Plan, the Ecological Impact Assessment and the Flood Risk Assessment, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

4. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the Planning Authority (such agreement must specify the number and location of each house and duplex unit), pursuant to section 47 of the Planning and Development Act 2000, as amended, that

restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and / or by those eligible for the occupation of social and / or affordable housing, including cost-rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description, in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

5. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Proposals for an estate / street name, house and apartment numbering scheme and any associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house / apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. The proposed temporary advertisement / marketing signage relating to the name of the development shall not be erected until the developer has obtained the planning authority's written agreement for the proposed name, and the proposed temporary advertisement / marketing signage shall be removed prior to the expiration of the three-year period, unless subject to a further grant of permission.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

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

Reason: In the interest of public health.

8. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.
- (d) A maintenance policy to include regular operational inspection and maintenance of the Sustainable Urban Drainage System infrastructure and the fuel interceptors shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of proposed development and shall be implemented in accordance with that agreement.

Reason: In the interest of public health and surface water management.

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) Details of the management company contract, and drawings / particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

- 10.(a) The developer shall comply with all requirements of the Planning Authority in relation to roads, access, cycling infrastructure and parking arrangements.

(b) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban Roads and Streets.

(c) All findings of the submitted Road Safety Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority.

In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

11. A Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and a Walking Audit) shall be carried out at Stage 2 for the detailed design stage and at Stage 3 for the post-construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets and Transport Infrastructure Ireland standards. The independent audit team(s) shall be approved in writing by the planning authority and all measures recommended by the Auditor(s) shall be implemented unless the planning authority approves a departure in writing. The Stage 2 Audit reports shall be submitted to and agreed with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety and proper planning and sustainable development.

12. Prior to the commencement of development, the Developer shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan indicating all haul routes to and from the site and for the delivery of the development. Haul routes cannot be changed unless approved by the Planning Authority, Transportation and MD Section. Pre- and post-conditions survey of haul routes shall be submitted prior to and post development. Prior to commencement of development the developer shall install a temporary wearing course layer on the haul route at Green Lane if it is used by construction delivery traffic.

Reason: In order to safeguard the residential amenity of properties in the area.

- 13.** The developer shall submit for the written approval of the Planning Authority, a vulnerable road users permeability link to the R449 regional road from the site. In the detailed solution, the developer shall consider the following: personal security, legibility, quality of the environment, maintenance, lighting and passive surveillance. The developer shall refer to the document Permeability Best Practice Guide issued by the National Transport Authority. The permeability link shall have a cross section of a 3 metre wide footpath and cycle track or a similar approved cross section by the Planning Authority and no gates shall be installed as this facility should be fully accessible to vulnerable road users.

Reason: In the interest of pedestrian, cyclist and vehicular safety, proper planning and sustainable development.

- 14.** Prior to the commencement of development, the Developer shall obtain a licence for the erection of any fencing / hoarding on the public footpath network serving the proposed development pursuant to Section 254 of the Planning and Development Act 2000, as amended.

Reason: In the interests of orderly development.

- 15.** All of the communal parking areas serving the residential units shall be provided with functional electric-vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric-vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

- 16.** The landscaping scheme shown on the Landscape Layout (drawing no. 60672634-SHT-20-L-1002) and the Landscape Strategy, as submitted to the Planning Authority as part of the application, shall be carried out on a phased basis within the first planting season following substantial completion of respective phase external construction works.

All planting shall be adequately protected from damage until established. Any plants that die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and the areas shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In the interest of environmental, residential and visual amenity.

- 17.** Prior to commencement of development, all trees, groups of trees, hedging and shrubs that are to be maintained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be maintained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

- 18.** A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to the first occupation of the development. This schedule shall cover a period of at least three years for each phase of the development and shall include details of the arrangements for its implementation.

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

- 19.** All service cables associated with the proposed development, such as electrical, telecommunications and communal television cables, and the 38kv overhead electricity powerlines shall be located underground. Ducting shall be provided by the developer in accordance with the detailed standards of the planning authority for such works to facilitate the provision of broadband infrastructure within the proposed development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of visual and residential amenity.

- 20.** A plan containing details for the management of waste and recycling within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular recyclable materials, and for the ongoing operation of these facilities for each proposed residential unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste and recycling shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate waste and recycling storage.

- 21.** Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects', published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

- 22.** The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. This plan shall provide details of the construction practice for the development, including:

- (b) Location of the site and materials compound(s), including areas identified for the storage of construction waste;
- (c) Location and details of areas for construction site offices, staff facilities, site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Details of construction phase mobility strategy, incorporating onsite mobility provisions;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels;
- (k) Details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

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

(n) A record of daily checks that the works are being undertaken in accordance with the final project Construction and Environmental Management Plan shall be kept for inspection by the planning authority;

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

23. Site development and building works shall be carried out only between the hours of 08:00 to 18:00 Mondays to Fridays inclusive and 08:00 to 14:00 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

24. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Assessment Report (IAC Ltd., Licence No. 23E0573, dated February 2024) shall be implemented in full.

(b) The applicant is required to retain / employ a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out the following on the site and three to four weeks should be allowed to facilitate processing and approval of the required archaeological licence renewal request / licence application and method statement. No groundworks shall take place within the site in the absence of the archaeologist and advance written notice regarding the commencement of works on this site shall be submitted to the Planning Authority and to the National Monuments Service in the Department of Housing, Local Government and Heritage.

(c) All archaeological features that cannot be preserved in situ shall be fully archaeologically excavated according to best archaeological principles and practice. Proposals for resourcing of the excavation and strategies for environmental sampling, finds retrieval / conservation and subsequent dissemination and publication of results shall be submitted to the National Monuments Service as part of the licence application and associated method

statement. An appropriate timeframe shall be applied to allow for possible delays / constraints arising where the discovery of additional archaeological remains are made.

(d) The developer shall facilitate topsoil stripping of appropriate areas surrounding the identified archaeological remains under the strict direction of the archaeologist and using suitable methodologies, in order to ensure that the full nature and extent of the archaeology identified within the site to date is established prior to excavation.

(e) Where significant additional archaeological features are identified during the course of archaeological excavation, work on site may be suspended pending further advice from the Planning Authority, in consultation with the National Monuments Service, which may require redesign of the proposed development to allow for preservation in situ and / or additional excavation.

(f) Upon completion of the above, and submission of an Archaeological Report detailing the excavation of the archaeological features, all remaining groundworks on site shall be archaeologically monitored as outlined below. Further topsoil stripping and the monitoring of same should only be carried out upon completion of the above excavation works and the submission of the resultant report to the Planning Authority and to the National Monuments Service for review.

(g) The Construction Environmental Management Plan shall be updated to include the location of all archaeological constraints relevant to the proposed development, as set out in the Archaeological Assessment Report (IAC Ltd; February 2024 - Licence No. 23E0573). The Construction Environmental Management Plan shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

(h) The developer shall retain / engage a suitably qualified archaeologist licensed under the National Monuments Acts) to monitor all remaining site clearance works, topsoil stripping, groundworks and/or the implementation of agreed preservation in situ measures associated with the development. The

use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. No ground disturbance shall take place in the absence of the archaeologist without his / her express consent.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

- 25.** Public lighting shall be provided in accordance with a final scheme, which shall include lighting for the public open spaces, communal spaces and parking / servicing areas, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing and permitted public lighting in the surrounding area. Such lighting shall be provided on a phased basis prior to the making available for occupation of any unit within the respective phase.

Reason: In the interests of amenity and public safety.

- 26.** Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

- 27.** Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section

96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the Development Plan of the area.

28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Colm McLoughlin
Senior Planning Inspector

18th June 2024

Appendices

Appendix A: EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-319625-24
Development Summary		Construct 139 two-storey houses, 54 apartments in a five-storey block and 36 duplex apartments in 3 three-storey blocks with access via Harpur Lane at Kilmacredock Upper, Castletown and Collinstown townlands, Leixlip, County Kildare
	Yes/No/N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An AA screening report was submitted with the application to the Planning Authority.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Kildare County Development Plan 2023-2029 and the Leixlip Local Area Plan 2020-2023 (as extended)

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the developer to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The surrounding area is characterised by a mix of uses, including mixed-density housing to the north and east, agricultural fields to the west and transport infrastructure to the south. The proposed development providing for housing on a greenfield site on the edge of a town is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development would involve groundworks with a Resource and Waste Management Plan and a CEMP provided with the application to address the potential impacts of these elements of the project on the environment. The use of the land would alter, as provided for in the statutory plan for the area, and it would not have a significant effect on the environment.	No

<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical for an urban development of this nature and scale.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites of the nature proposed. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures, as outlined in the CEMP, would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>No</p>	<p>A Resource and Waste Management Plan has been prepared for the project based on the potential waste streams arising on site.</p> <p>Operational waste would be managed through measures outlined in the Operational Waste & Recycling Management Plan submitted with the application to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Yes</p>	<p>Implementation of the standard measures listed in the CEMP will satisfactorily mitigate emissions from spillages or release of pollutants during construction.</p> <p>The operational development will discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Environmental Noise Survey and the CEMP.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Yes</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the CEMP would satisfactorily address potential risks to human health.</p> <p>No significant operational impacts are anticipated for piped water supplies in the area.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from construction will be managed as per measures in the CEMP and would be localised and temporary in nature. The development proposals would not be at risk of flooding with finished-floor levels are set out to address same and climate change</p>	<p>No</p>

		factors. The site is a substantive distance of over 1km from the nearest Seveso / COMAH site, the Intel Ireland Limited plant located on the R148 regional road to Maynooth.	
1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Significant cumulative effects on the environment would not be expected to arise.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	No	The site is not designated for specific ecological purposes. The nearest European sites are listed in appendix B of this report and in the application AA Screening Report. The site is located 1km to the south of the Royal Canal proposed Natural Heritage Area (pNHA) (site code: 002103), comprising the canal channel and the banks and associated infrastructure either side of this.	No

<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species. A drainage ditch and associated pond have been identified on site and measures to address potential impacts to frogs, as well as bats and birds, are included in the Ecological Impact Assessment. A host of biodiversity enhancement measures are set out for the project, including creation of pollinator habitat, maintaining of overwintering habitat for frogs and the introduction of bat and bird boxes.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>Yes</p>	<p>An archaeological site is noted to be situated on the southern periphery of the site with the motorway corridor, comprising a burnt mound (NMS ref. KD011-045). Two other areas of archaeological potential have been identified on site as part of the applicant's Archaeology Assessment. There would be some potential for subsurface archaeology on site, which could be encountered as part of the groundbreaking and excavation works. A former estate boundary wall is situated along part of the northern boundary, which the proposals would repair and preserve. With scope for conditions to address potential archaeological finds impacts on cultural heritage features would not be significant.</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>Extensive other areas outside the settlement boundaries would remain in the wider area for agricultural purposes.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	No	<p>The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface waters discharging at greenfield rates to a minor watercourse.</p>	No
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	No	<p>There is very limited change in ground levels across the site. A Ground investigation Report provided as part of the application sets out measures for the construction of foundations.</p>	No
<p>2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	No	<p>The site is served by a local road network. There are sustainable transport options available for future residents, including commuter rail services and buses. A significant contribution to traffic congestion is not anticipated to arise from the proposed development.</p>	No
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	No	<p>Significant construction or operational impacts would not be anticipated for other facilities.</p>	No

<p>3. Any other factors that should be considered which could lead to environmental impacts</p>			
<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	Yes	<p>Permitted developments have been identified in the immediate vicinity, including the Harpur Lane development, however these developments would not give rise to significant cumulative environmental effects with the subject project.</p>	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No

C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	<input checked="" type="checkbox"/>
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	<input type="checkbox"/>

D. MAIN REASONS AND CONSIDERATIONS
<p>Having regard to -</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the thresholds in respect of classes 10(b)(i) and 10(b)(iv) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised; the location of the proposed housing development on lands zoned within the Leixlip Local Area Plan 2020-2023 as 'C – New Residential' with a stated objective 'to provide for new residential development'; the nature of the existing site and the existing and permitted pattern of development in the surrounding area; the availability of mains water and wastewater services to serve the proposed development;

- the location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the developer that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Environmental Management Plan, Archaeological Assessment, Resource and Waste Management Plan, Operational Waste & Recycling Management Plan, Hydrogeological Risk Assessment Report, Ecological Impact Assessment, Flood Risk Assessment Report and the Engineering Assessment Report.

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

Inspector: _____
Colm McLoughlin

Date: 18th June 2024

Approved (DP / ADP): _____

Date: 18th June 2024

Appendix B – Appropriate Assessment Screening Determination

1: Description of the project, site and context

The requirements of Article 6(3) of the Habitats Directive, related to screening the need for AA of a project under section 177U of the Act of 2000, are considered in the following section.

A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the subject application documentation, including the CEMP. According to the AA Screening Report, foul wastewater from the operational phase of the proposed development would discharge to the recently constructed network in Harpur Lane, before entering the public network for treatment at the Leixlip Wastewater Treatment Plant (WWTP), which is stated to have capacity for the proposed development. Treated effluent from the WWTP is discharged into the River Liffey and according to an Uisce Éireann report, in 2022 the discharge from the WWTP was not having an observable negative impact on the achievement of water quality status for the purposes of the Water Framework Directive (WFD). Following various standard practice construction site environmental management measures, as well as sustainable urban drainage system (SUDS) measures, excess waters would be discharged by gravity into the nearby minor watercourse running through Harpur Lane estate connecting into Kilmacredock Upper watercourse (Environmental Protection Agency IE_EA_09L011900). Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to the Liffey and into Dublin Bay.

A description of this greenfield site is provided in section 2 and as part of the assessments above. A drainage ditch is stated to run through the site in a north-south direction, including a pond feature. The applicant's Hydrogeological Risk Assessment Report sets out the water drainage regime in the wider area, highlighting that the site is within the urbanised catchment of the Kilmacredock Upper watercourse, which is located approximately 300m to the east of the site flowing southeast towards the Leixlip reservoir on the River Liffey and ultimately flowing into Dublin bay. According to the Environmental Protection Agency (EPA), the quality of the Dublin Bay coastal waterbody is classified as 'good' and is 'not at risk' of achieving good status based on

categorisation for the purposes of WFD. According to the EPA, the River Liffey has an intermediate water quality status and it is 'at risk' of not achieving 'good' water quality status for the purposes of the WFD in 2027. Dublin Bay has 'Good' WFD status according to the EPA and is 'not at risk' of achieving good water quality status in 2027. The Dublin groundwater body is currently classified by the EPA as having 'Good Status' and is 'not at risk'. The Royal Canal is located 1km to the north of the site.

The Hydrogeological Risk Assessment Report submitted with the application notes that the bedrock aquifer underlying the appeal site is described on the Geological Survey of Ireland (GSI) database as a 'Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones'. The groundwater vulnerability underlying the site is described as largely 'moderate'.

The closest European site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), in the immediate vicinity of the appeal site comprises the Rye Water Valley / Carton SAC (Site Code: 001398), located 1.5km to the north of the site, although this site is not hydraulically linked with the appeal site. The closest linked European sites to the proposed development are South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), located 19.8km east of the site in Dublin Bay.

Submissions and Observations

The submissions and observations from a third party, the Planning Authority and prescribed bodies are summarised in sections 5 and 7 of this report. The Planning Authority conclude that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of any European sites in view of the sites' conservation objectives.

The applicant has submitted a document titled 'Appropriate Assessment Screening Report' dating from December 2023 and prepared by Enviroguide Consulting. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European sites potentially within the zone of influence of the development.

In their AA Screening Report, the applicant concludes that, on the basis of objective scientific information, the possibility that the proposed development, either on its own or

in combination with other plans or projects, having a significant effect on any European site, can be excluded.

2. Potential impact mechanisms from the Project

Zone of Influence

The European sites in the vicinity of the proposed development are shown on figure 4 of the applicant's AA Screening Report submitted and the qualifying interests of the European sites in the vicinity of the proposed development are provided in table 2 of the AA Screening Report.

In determining the potential zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. The application site is not located within or adjacent to any European site. There is a drainage ditch running through the site, which connects into a minor watercourse within the Harpur Lane development and the nearest substantive surface level watercourse (Kilmacredock Upper) to the subject site is located approximately 300m to the east of the site. There is an indirect hydrological connection to this watercourse via surface water drainage (during construction and operation) to European sites located within Dublin Bay via the proposed surface water drainage strategy.

The only European site within the subject Dublin groundwater body that is designated for a groundwater-dependent terrestrial habitat or species, is the Rye Water Valley / Carton SAC, however, this site is a substantive distance upstream of the appeal site.

Foul and surface waters from the proposed development will ultimately drain to the inner section of Dublin Bay, located 19km to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the appeal site comprise European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 004236 (North-West Irish Sea SPA) and European Site No. 000210 (South Dublin Bay SAC).

Conclusion on the Extent of the Zone of Influence

In applying the ‘source-pathway-receptor’ model, in respect of potential indirect effects, I would accept that all other sites outside of Dublin Bay can be screened out for further assessment at the preliminary stage based on a combination of factors including the minimal effluent discharge from the proposed development works (to be treated at Leixlip WWTP and discussed further below), the intervening distances and the lack of direct hydrological pathway or biodiversity corridor link to these conservation sites and the dilution effect for surface water runoff.

Having regard to the foregoing, my screening assessment will focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as summarised in the table 5 below. I am satisfied that no other European Sites fall within the possible zone of influence.

3. European Sites at Risk

Table 5 European Sites at Potential Risk

Site Name / Code	Qualifying Interests (QIs)	Connections
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species Light-bellied Brent goose [A046] Oystercatcher [A130] Ringed plover [A137] Grey plover [A141] Knot <i>Calidris</i> [A143] Sanderling [A149] Dunlin [A149] Bar-tailed godwit [A157] Redshank [A162] Black-headed gull [A179] Roseate tern [A193] Arctic tern [A194] Wetland and waterbirds [A999] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Indirect hydrological connections exist through: Surface water ultimately discharging to the River Liffey feeding into Dublin Bay; Wastewater from the site passes and would be treated in Leixlip WWTP, which also discharges to the River Liffey leading to Dublin Bay.
North Bull Island SPA 004006	QIs – 18 bird species Light-bellied brent goose [A046] Shelduck [A048] Teal [A054]	

	<p>Pintail [A054] Shoveler [A056] Oystercatcher [A130] Golden plover [A140] Grey plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Black-tailed godwit [A156] Bar-tailed godwit [A157] Curlew [A160] Redshank [A162] Turnstone [A169] Black-headed gull [A179] Wetland and waterbirds [A999] To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species</p>	<p>Indirect hydrological connections exist through: Surface water ultimately discharging to the River Liffey feeding into Dublin Bay; Wastewater from the site passes and would be treated in Leixlip WWTP, which also discharges to the River Liffey leading to Dublin Bay.</p>
<p>North Dublin Bay SAC 000206</p>	<p>QIs – ten coastal habitats and species Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows [1330] Mediterranean salt meadows [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with marram grass (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalwort [1395] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf</p>	
<p>North-West Irish Sea SPA</p>	<p>QIs – 21 bird species Red-throated Diver [A001] Great Northern Diver [A003]</p>	

004236	<p>Fulmar [A009] Manx Shearwater [A013] Cormorant [A017] Shag [A018] Common Scoter [A065] Little Gull [A177] Black-headed Gull [A179] Common Gull [A182] Lesser Black-backed Gull [A183] Herring Gull [A184] Great Black-backed Gull [A187] Kittiwake [A188] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Little Tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf</p>	<p>Indirect hydrological connections exist through: Surface water ultimately discharging to the River Liffey feeding into Dublin Bay; Wastewater from the site passes and would be treated in Leixlip WWTP, which also discharges to the River Liffey leading to Dublin Bay.</p>
<p>South Dublin Bay SAC 000210</p>	<p>QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf</p>	

4. Likely significant effects on European sites

Table 2 of the AA Screening Report details the likely effects of the proposed development on European Sites. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of their implications for likely significant effects on the conservation objectives of European sites within the potential zone of influence of the project:

- Effect 1 - Habitat degradation as a result of Hydrological & Hydrogeological impacts
- Effect 2 - Habitat Loss and Fragmentation

It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase.

Table 6 Could the Proposed Development alone undermine Conservation Objectives

Site Name / Code	Conservation Objective	Conservation Objectives Undermined?	
		Effect 1	Effect 2
South Dublin Bay and River Tolka Estuary SPA 004024	Maintain the favourable conservation condition of 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	No	No
North Bull Island SPA 004006	To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the 18 qualifying bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf	No	No
North Dublin Bay SAC 000206	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide [1140], Atlantic salt meadows [1330] and Mediterranean salt meadows [1410] To restore the favourable conservation condition of Annual vegetation of drift lines [1210], Salicornia and other annuals colonising mud and sand [1310], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with marram grass (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130], Humid dune slacks [2190] and Petalwort [1395]	No	No

	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf		
North-West Irish Sea SPA 004236	To maintain the favourable conservation condition of the 16 qualifying bird species and restore the favourable conservation condition of the remainder of the qualifying bird species, comprising Cormorant (<i>Phalacrocorax carbo</i>) [A017], Shag (<i>Phalacrocorax aristotelis</i>) [A018], Herring Gull (<i>Larus argentatus</i>) [A184], Kittiwake (<i>Rissa tridactyla</i>) [A188] and Puffin (<i>Fratercula arctica</i>) [A204] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf	No	No
South Dublin Bay SAC 000210	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide [1140], Annual vegetation of drift lines [1210], <i>Salicornia</i> and other annuals colonising mud and sand [1310] and Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf	No	No

Habitat degradation as a result of Hydrological or Hydrogeological Impacts

Having regard to the information submitted initially as part of the application, surface water emissions from the development would be controlled through the use of normal best practice construction site management. The proposed construction management measures outlined in the application documentation are typical and well-proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission. Furthermore, their implementation would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.

I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay, inclusive of estuarial areas, can be excluded given the absence of a likely pollution source on the site, the considerable intervening distances

and the volume of waters separating the appeal site from European sites in Dublin Bay (dilution factor).

In the event that the pollution and sediment-control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant, indirect and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the appeal site from European sites in Dublin Bay (dilution factor).

The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

During the operational stage surface water from the site would be discharged to a minor watercourse after passing through various SUDS measures. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect, distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the appeal site from European sites in the Dublin Bay area (dilution factor).

Wastewater from the development would ultimately be treated at Leixlip WWTP and according to the applicant the proposed development would result in a loading population equivalent amounting to 618 based on the number of residential units. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Leixlip WWTP, which would in any event be subject to Uisce Éireann consent. Recent data highlights substantive capacity in this WWTP capable of catering for the subject proposals. Notwithstanding this, water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to the site. Their qualifying interest targets relate to habitat distribution and area, as well as vegetative structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetative structure that defines their favourable conservation status.

On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Dublin Bay and that there is no possibility of the operation of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay via surface water runoff and emissions to water.

Habitat Loss and Fragmentation

Specifically in relation to habitat loss and fragmentation, I note the site does not overlap with the boundary of any European Site. The proposed site does not support populations of any fauna species with links to the qualifying interest or special conservation interests of any European Site. I am satisfied therefore that the proposed development will not result in habitat loss or fragmentation within any European Site, or nor will it result in a loss of any ex-situ foraging or roosting site for qualifying species of European sites in the wider area.

There are no other evident impact pathways, noting in particular the lack of suitable habitats on the site for any species of conservation interest associated with any proximate European Site and the lack of habitat suitable for any birds of special conservation interest associated with any proximate European Site. There is no evidence the site lies in a sensitive location as regards to birds nor that the height of the buildings at a maximum of five storeys would pose a danger in relation to bird strike.

5: Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

The applicant’s AA Screening Report refers to several permitted projects that could act in combination with the development and give rise to significant effects to European sites within the zone of influence. This project is taking place within the context of broader construction development and increased residential densities in the Dublin metropolitan area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Leixlip WWTP.

The development of the metropolitan area is catered for through land-use planning by the various Planning Authorities in the greater Dublin area, including through the Kildare County Development Plan 2023-2029 and the Leixlip Local Area Plan 2020-2023 (as extended). These statutory plans have been subject to AA by the Planning Authority,

who have concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this and other projects would add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising.

The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

6. Overall Conclusion- Screening Determination

Having regard to the distance between the proposed development site and any European sites, the very weak ecological pathways and the standard construction management measures, as well as the connections to environmental services, the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin Bay.

The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 004236 (North-West Irish Sea SPA) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

The possibility of significant effects for all European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been relied upon in my reaching of a conclusion in this screening process.