



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319687-24

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<b>Development</b>	Construction of 18 (no) special needs houses together with associated site works.
<b>Location</b>	Oldtown Demesne, Sallins Road, Naas, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2460109
<b>Applicant(s)</b>	Springwood Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Springwood Limited
<b>Observer(s)</b>	3(no) Mr. Diarmuid Parker Mr. Adrian Ryan Hillside Drive Residents Association
<b>Date of Site Inspection</b>	05/04/25
<b>Inspector</b>	Paula Hanlon

## 1.0 Site Location and Description

- 1.1. The site (0.903ha) the subject of this appeal, hereafter referred to as “the site” is located in the townland of Oldtown Demesne, approximately 1.3km north of Main Street (North) in Naas, Co. Kildare.
- 1.2. The subject lands which lie undeveloped are bound by The Orchard residential development (south), Naas GAA Club (west), Scoil Bhríde National School (north) and front onto an access road which runs parallel to the Sallins Road (east).
- 1.3. Vehicular access to the site is sought via the adjoining existing access road that serves the site and established sporting, educational and residential uses on adjoining lands
- 1.4. The site’s boundary treatment comprises mesh fencing (north & east boundary), block wall associated with The Orchard (south) and palisade fencing (west).
- 1.5. The Octagon pond lies approximately 38m west of Naas GAA grounds and The Grand Canal also traverses lands to the rear (west) of Naas GAA, approximately 265m west of the site.
- 1.6. The site’s topography is low lying. A number of significant mounds of topsoil, and smaller piles of sand and stone are stored on site. A temporary surfaced access extends across an area within the site.

## 2.0 Proposed Development

- 2.1. Construction of an 18(no) unit special needs housing development, comprising:

- 9 pairs of two-storey, 4-bedroom semi-detached dwellings.

The internal layout consists of four bedrooms, a combined kitchen / dining area, a living room with integral study and ancillary storage, utility, bathroom and porch / hallway accommodation.

2(no) parking spaces along with front and rear garden areas is sought for each dwelling.

- 3 visitor car parking bays
- Public open space

- A new vehicular entrance to the site off an existing access road which serves Scoil Bhríde and Naas GAA),
- An estate road and two internal footpaths (one of which would lead to a new pedestrian entrance which is to be created to serve the proposed scheme)
- All ancillary site works including landscaping, levelling of land, service connections and the removal of an existing fence which demarcates the boundary to this property.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By Order dated 08 April 2024, Kildare County Council (KCC) issued a notification of decision to refuse planning permission for 2(no.) reasons, notably:

- (1) The proposal would materially contravene the site's zoning objective, would result in the loss of active open space lands which could be utilised as additional sports and recreation facilities for the area and would be injurious to the amenities of the area  
and
- (2) Site Drainage Matters.

The PA's stated reasons for refusal are set out hereunder:

*1. As set out in the Naas Local Area Plan 2021-2027, "Land uses shown as 'Open for Consideration' are uses that are not considered acceptable in principle in all parts of the relevant use zone. However, such uses may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area". Having regard to the zoning of the site ('Objective F' Open Space and Amenity), the intended use as "specialist housing" which is being proposed as 18no two storey semi-detached universally designed dwellings, the Planning Authority is not satisfied that the*

*Applicant has sufficiently justified the loss of open space/amenity lands. It is considered therefore that the proposed development would materially contravene the zoning objective, which seeks to protect and provide for open space amenity and recreational provision, would result in the loss of active open space lands which could be utilised as additional sports and recreation facilities for the area, would be injurious to the amenities of the area, and would therefore be contrary to the proper planning and sustainable development of the area.*

*2. In the absence of site investigation reports/result in relation to surface water drainage, the Applicant has not demonstrated to the satisfaction of the Planning Authority that surface water can be adequately dealt with within the curtilage of the site, in compliance with the policies and objectives set out in the Kildare County Development Plan 2023-2029. Furthermore, it has not been demonstrated to the satisfaction of the Planning Authority that that surface water from the proposed development including design exceedance flows do not increase the risk of pluvial flooding or discharge to a point where the proposed development and neighbouring developments would be at risk of flooding and therefore would be prejudicial to public health. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

A Planning Report dated 05/04/24 raised matters of material contravention of the site's zoning and shortfalls in respect of surface water drainage details proposed and potential for pluvial flood risk. A recommendation to refuse permission on both grounds was put forward.

### **3.2.2. Other Technical Reports**

- Naas Municipal District Office: No objection subject to conditions (road opening license & refer to Roads, Transportation & Public Safety Department report).

- Water Services: Further information required (drainage).
- Environment Department: Recommended Conditions.
- Roads Department: No objection subject to conditions (roads, lighting, construction stage).
- Housing Department: Further information sought (recommended condition in the event of grant of permission).
- Heritage Officer: No heritage issues.
- CFO: No objection.
- NRO (Kildare): No objection.

### 3.3. **Prescribed Bodies**

- DAU: No objection subject to condition (archaeology).
- TII: No Observations.
- EHO: No objection subject to conditions (CMP, noise, air quality, lighting, waste control, ventilation).

### 3.4. **Third Party Observations**

The PA received 2(no) third-party submissions during the course of their determination, 1(no) of which was made by Hillside Residents Association and 1(no) was made by a resident of Hillside Drive.

The matters raised are predominantly similar to those detailed within the observations received on this appeal (Refer Section 6.3 below). Additional concerns including the needs of adjoining school for expansion, existing congestion (R407), cyclist & pedestrian concerns, and the matter of deposited waste on site were also raised.

## 4.0 **Planning History**

### Lands (South/Southwest)

Pl. Ref. 23/79: Permission granted to Springwood Ltd for a two-storey mixed-use building with creche and two apartments of foot of planning decision pl. ref. 21/1740.

Pl. Ref. 21/1740: Permission granted to Springwood Ltd. for 50(no) residential units.

Pl. Ref. 20/587: Permission granted to Springwood Ltd. for apartment block (9 units), varying permission granted under pl. ref. 17/807.

Pl. Ref. 19/1356 [ABP-308132-20]: Permission granted to Springwood Ltd. following an appeal for the change of use of stables to residential (5 units).

Pl. Ref. 19/330: Permission granted to Springwood Ltd. for new site entrance and internal road infrastructure to service land adjoining The Orchard.

Pl. Ref. 17/807: Permission granted to Springwood Ltd. for 64 residential units on foot of a previous planning decision (Pl. Ref. 08/500091).

Pl. Ref. 17/594: Permission granted to Springwood Ltd for change of house types within The Orchard (7(no) residential sites).

Pl. Ref. 08/500091 [ABP PL.73.230766]: Permission granted to Springwood Ltd. for 127 residential units and crèche. An extension of duration of this permission was permitted under pl. ref. 13/500065.

#### Lands (North)

Pl. Ref. 01/500026: Permission granted for a new primary school (20 classrooms).

#### Lands (West)

Pl. Ref. 23/134: Permission granted to Naas GAA Club for lighting columns.

Pl. Ref. 10/500007 & 08/500162: Permission granted to Naas GAA club for development/improvement works to GAA grounds.

## **5.0 Policy Context**

### **5.1. Naas Local Area Plan 2021-2027**

5.1.1 The Naas Local Area Plan 2021-2027 (LAP) which became effective on 01 December 2021 is the operative Local Area Plan which applies in this case. I note from the 2-year progress report undertaken in respect of the Kildare County Development Plan 2023-

2027 (CDP), available on the Council's website, that no formal review has commenced/been undertaken on this plan. I also note that Chapter 2 of the CDP states that where any objectives of an LAP are deemed to be no longer wholly consistent with the CDP, that the PA, will, where practical, consider options regarding the initiation of a review and/or prepare a statutory amendment to the LAP.

#### 5.1.2 Landuse Zoning

The settlement boundary and landuse zonings for Naas town are set out within Map Number 11.1, contained within Appendix 1 (Maps) of the LAP. The site is located on lands zoned 'F'-Open Space and Amenity (G4, G3) with the zoning objective "To protect and provide for open space, amenity and recreation provision".

#### 5.1.3 Land Use Zoning Acceptability

Special Needs Housing is 'Open for consideration' on 'F' - Open Space and Amenity zoned lands. The LAP defines land uses which are 'Open for Consideration' as *"uses that are not considered acceptable in principle in all parts of the relevant use zone. However, such uses may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area"*.

#### 5.1.4 The following Chapters are relevant in the consideration of this appeal:

Chapter 2 (Planning Context and Vision for Naas); Chapter 3 (Compliance with Core Strategy); Chapter 4 (Homes & Communities) and Chapter 11 (Landuse Zoning Objectives and Implementation).

#### 5.1.5 Policy objectives and Sections of particular relevance include:

##### Special Needs Houses:

##### Section 4.4.1:

- This section references that there are a number of groups in society with specific design and planning needs including older people, members of the Travelling community and people with disabilities. It in part, refers to KCC's Strategic Plan for Housing Persons with Disabilities (2016) which targets that a

minimum of 12% of new builds should be suitable for persons with a disability and details that the plan places emphasis on universal design in order to provide for those with specific housing needs. It clarifies that Universal Design applies to everyone, regardless of age, size, ability or disability, as no person operates with full capability for every activity for the duration of his or her lifetime.

- It outlines that the mix and design of new housing for group/special needs housing in Naas will be influenced by a range of factors including:
  - Consideration of the nature of the existing housing stock and existing social mix in the area.
  - Desirability of providing for mixed communities.
  - Provision of a range of new housing types and tenures.
  - The need to provide a choice of housing types, suitable and adaptable for all age groups and abilities.
  - The need to cater for groups with specific needs.

### Core Strategy

Policy CS1: To support the sustainable long-term growth of Naas in accordance with the Core Strategy of the Kildare County Development Plan 2017-2023 (as varied), or any subsequent plan, the provisions of the National Planning Framework (2018) and the Regional Spatial and Economic Strategy 2019-2031.

Obj. CSO1.1: Support and facilitate compact growth through the sustainable intensification and consolidation of the town centre and established residential areas.

Obj. CSO1.2: Monitor the scale, type, tenure and location of constructed and permitted developments in Naas during the lifetime of the Plan and apply appropriate development management standards to ensure compliance with the Core Strategy to achieve the delivery of strategic plan-led and coordinated balanced development within the town.

Obj. CSO 1.5: Support the delivery of supporting physical and social infrastructure to support all residential development.

Obj. HCO4.1: Support and facilitate the provision of appropriately located multifunctional community facilities to meet the needs of the growing population in Naas.

Obj. HCO 2.1: Require that a good mix of housing types and sizes is provided in all new residential areas and in appropriate brownfield/infill areas, to meet the needs of the population of Naas, including the provision of appropriate supported housing and longer-term residential care solutions designed for older people and/or people with disabilities...

#### Sports & Recreation:

Obj. HCO4.5: Facilitate sports and community groups in the acquisition and/or use of lands for sports and recreation.

Action: Address the deficiencies in the provision of sport and recreation facilities and investigate the feasibility of Municipal Pitches in Naas through active engagement with the relevant clubs and The Sports Partnership.

#### Drainage:

Obj. IO 2.3: Incorporate Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage solutions as part of all plans and development proposals in Naas...

### 5.2. **Section 18 PDA (as amended)**

a) A local area plan prepared under this section shall indicate the period for which the plan is to remain in force.

b) A local area plan may remain in force in accordance with paragraph (a) notwithstanding the variation of a development plan or the making of a new development plan affecting the area to which the local area plan relates except that, where any provision of a local area plan conflicts with the provisions of the

development plan as varied or the new development plan, the provision of the local area plan shall cease to have any effect.

### 5.3. **Kildare County Development Plan 2023-2029**

5.3.1. The Kildare County Development Plan 2023-2029 (CDP) which came into effect 28 January 2023 is the operative Development Plan for the county.

5.3.2 Section 19(2) of the PDA states that a LAP shall be consistent with the Core Strategy and objectives of the CDP as well as any regional spatial and economic strategy for the area.

5.3.3 I note the following policies and objectives within the CDP:

#### Core Strategy:

Obj. CS O1: Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the 'Housing Supply Target Methodology for Development Planning'

Obj. CS O7: Promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach that is informed by settlement capacity audits and social infrastructure audits by providing for land use zoning designations capable of accommodating employment, environmental education, community, leisure, education campuses, childcare, recreational and cultural facilities having regard to the quality of the receiving environment, and any landscape character, archaeological and architectural heritage sensitivities.

#### Specialist Housing:

Policy HO P8: Ensure that groups with specialist housing needs, such as older persons, people with disabilities, the homeless, Travellers, those in need of emergency accommodation including those fleeing domestic violence, are accommodated in a way suitable to each of their specific needs.

Obj. HO O21: Meet the needs of older persons and people with a disability by requiring the provision of alternative accommodation, such as age-appropriate homes, independent and assisted living units, day-care facilities, nursing homes and specialised care units (e.g. dementia specific units) to meet the needs of older persons and to facilitate the provision of a range of housing options for older persons in central, convenient and easily accessible locations, integrating such housing with mainstream housing through the application of a location specific objective (Specific Local Objectives (SLO)) at appropriate and optimised strategic locations particularly on Council owned lands in mandatory Local Area Plans in County Kildare.

Obj. HO O22: Support the provision of specific purpose-built accommodation, including assisted living units and lifetime housing and adaptation of existing properties, which will include opportunities for 'downsizing' or 'right sizing' within communities.

Drainage:

Obj. IN O24: Only consider underground retention solutions when all other options have been exhausted. Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.

**5.4. Regional Spatial and Economic Strategy for Eastern & Midland Region (RSES) 2019-2031**

- The RSES provides a long-term strategic planning and economic framework for the region up to 2031. It designates Naas as a key town in the Core Region of the Eastern and Midland Region.
- Regional Policy Objective (RPO) 3.1: Key stakeholders, including local authorities in the Region shall, through their policies and objectives including development plans, commit to the delivery of the Growth Strategy as detailed in the RSES. The growth strategy for the Region includes, inter alia, delivering the sustainable growth of the Metropolitan Area through the Dublin Metropolitan

Area Strategic Plan (MASP) and embedding a network of Key Towns through the Region to deliver sustainable regional development.

- RPO 4.53: Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities.

### **5.5. National Planning Framework (NPF)**

The overarching policy objective of the NPF is to renew and develop existing settlements rather than the continual sprawl of cities and towns out into the countryside. The NPF sets a target of at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns, and villages on infill and/or brownfield sites (NPO 3a). It also seeks to tailor the scale and nature of future housing provision to the size and type of settlement (NPO 33) and to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being (NPO 4).

In November 2024, and in the context of progressing amendments to the Draft Revision of the NPF, the government approved revised housing targets for the period 2025 to 2030, aiming to deliver an average of 50,500 homes per year and scaling up to 60,000 homes in 2030 and that level maintained thereafter.

### **5.6. Housing for All - a New Housing Plan for Ireland (September 2021).**

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

## 5.7. **Climate Action Plan 2025**

The recently adopted Climate Action Plan 2025 (CAP25) builds upon Climate Action Plan 2024 (CAP24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24. CAP24 outlines measures and actions by which the national climate objective of transitioning to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050 is to be achieved. These include the delivery of carbon budgets and reduction of emissions across sectors of the economy. Of relevance to the proposed development, is that of the built environment sector. The Board must be consistent with CAP25 in its decision making.

## 5.8. **National Planning Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the PA, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development & Compact Settlement Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (2013, updated 2019).

### 5.8.1. **Sustainable Residential Development & Compact Settlement Guidelines for Planning Authorities (2024).**

These Guidelines set out national planning policy and guidance in relation to the creation of settlements that are compact, attractive, liveable and well designed. There is a focus on the renewal of settlements and on the interaction between residential density, housing standards and placemaking to support the sustainable and compact growth of settlements.

Having regard to Table 3.5 of the Guidelines, residential densities in the range 30 dph to 50 dph (net) shall generally apply at suburban / urban extension locations in Naas, and densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban/urban extensions locations.

Development standards for housing are set out in Chapter 5, and include:  
SPPR 3 Car Parking (1.5 spaces per dwelling in accessible locations)  
SPPR 4 Cycle parking and storage.

Policy and Objective 4.2 states that it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied.

Key Principle:

Promote urban greening and Nature-based Solutions (including Sustainable Drainage Systems and slow-the-flow initiatives) for the management of urban surface waters in all new developments alternative solutions such as green roofs and walls can be considered.

#### **5.9. Natural Heritage Designations**

The site is not located within any European Site or Natural Heritage Area (NHA)/pNHA. Mouds Bog SAC (Site Code 002331) is the nearest European site located approximately 8.5km west of the site, with the next nearest European sites being Red Bog SAC (Site Code 000397) approximately 8.6km SE of the site and Pollardstown Fen SAC (Site Code 000396) located in excess of 12km SW of the subject site.

#### **5.10. EIA Screening**

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

## 6.0 The Appeal (First Party)

### 6.1. Grounds of Appeal

A first-party appeal has been received in relation to the Planning Authority's decision to refuse permission. The grounds of appeal are summarised below.

- It is argued that given that the proposal is consistent with the landuse classification (zoning matrix) and permissible under the site's zoning, it is permissible unless it can be shown that the presumption in favour of such development is inapplicable.
- The PA's first refusal reason does not stem from a disagreement on the permissibility of special needs housing on F-zoned lands, or on the appropriateness of the special needs housing design put forward.
- There are deficiencies within the Council's assessment, noting also that the analysis provides no technical reason to refuse in this case.
- There would be no loss of open space, and the appellant considers that the site is essentially a tract of wasteland, surrounded by development.
- The PA's reference to the need to justify the loss of open space/amenity land is at variance with the LAP and there is no requirement to undertake same.
- The site is not publicly accessible and does not form part of a dedicated open space in any previous consent(s).
- The raised matter on occupancy issues can be addressed by imposing an appropriately worded condition.
- The development of the site is not restrained by its location or site configuration and the proposal is consistent with the principles of sustainability.
- The PA's argument that the site should remain as open space to serve the area is difficult to be endorsed for a number of reasons.

## 6.2. Planning Authority Response

A response has been received from the Planning Authority dated 31/05/24 which confirms its decision. It requests that the Board refers to the internal and prescribed body reports which informed its decision in their assessment of this case.

## 6.3. Observations

3(no) observations were received in response to this appeal. The observers concur with the PA's decision to refuse permission. A number of matters were raised, which are summarised as follows:

- The proposed development materially contravenes the site's zoning objective.
- The proposed house design(s) are more akin to standard market suburban houses rather than housing for persons with specific housing needs.
- While the landuse classification allows the development to be 'open for consideration', the PA has provided a technical analysis and reason on the grounds of materially contravening the CDP in its decision.
- The application provides no justification for the loss of open space, which is intended for "additional sports facilities to be accommodated in this area" in the event that the site was developed for special needs houses.
- Concern is raised on future occupancy of the proposed units, given the lack of clarity provided within the application on this matter.
- There is a shortage of POS in this area.
- Concerns raised at application stage on site drainage and compliance with Council objectives remain outstanding.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including the first party appeal submission, observations received, the reports of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this first-party appeal to be considered are as follows:

- Zoning and Core Strategy
- Site Layout and Design
- Material Contravention
- Site Drainage.

## 7.1. Zoning and Core Strategy

7.1.1 The site is zoned 'F' - Open Space and Amenity within the LAP and its stated objective is 'to protect and provide for open space, amenity and recreation'. There are no conflicting views within the parties associated with this case on the compatibility of special needs housing as being an 'open for consideration' use on 'F' zoned lands. However, notwithstanding the fact that Special Needs Housing is included in the list of uses which are 'open for consideration', it is not sufficient on its own to conclude that the proposed development is permissible.

7.1.2 I note that Table 11.2 of the LAP clearly defines that a land use shown as an 'Open for Consideration' use is one which is not considered acceptable in principle in all parts of the relevant use zone, but that such use(s) may be acceptable in certain circumstances. The plan makes clear that an 'open for consideration' use may be acceptable where the Council is satisfied that the use proposed would not conflict with the general objectives for the zone and the permitted or existing uses and be in the interests of the proper planning and sustainable development of the area. The LAP is not ambiguous on this matter.

Therefore, whilst the proposed use is open for consideration, a reliance must also be placed on the site's land use zoning objective 'to protect and provide for open space, amenity and recreation' and the proper planning and sustainable development of the area, in considering the acceptability of the development proposed.

7.1.3 The LAP makes clear that as part of the LAP plan making process, a baseline assessment was undertaken which examined sports and recreation facilities in Naas under two headings, notably open space and sports facilities and amenities. In undertaking its future demand analysis, the plan was also informed by a social infrastructure audit which considered the existing infrastructure provision (including Sports & Recreation) relative to the existing and projected population for the period of

the Plan and best practice provision. In this context, whilst I acknowledge that a significant portion of lands are zoned open space (including 'Strategic Open Space' and 'Open Space and Amenity' proximate to the site, I do not concur with the applicant's contention that there is an overprovision of open space and amenity land in this area and which is required to serve the town of Naas. References made to established communal open space areas within mature housing schemes in the area and to the provision of POS as part of the proposed special needs housing development on the subject lands should have no material bearing in justifying the use of these lands for residential as opposed to their intended future open space use. These lands should not be described as a tract of wasteland. Whilst I accept that the PA's wording within refusal reason 1 is not entirely clear in terms of its reference to the loss of open space/amenity lands at this location, I am satisfied that the reason for refusal is grounded on the loss in the potential future provision of active open space/amenity lands on these lands, in accordance with the site's landuse zoning, should it be so desirable and permissible in the future.

Section 3.9. of the LAP outlines that the plan itself presents an opportunity to address shortfalls in social infrastructure provision and initiate the necessary transition to a low carbon and sustainable model of development that will improve the quality of life for people living in the town. In this context, I recognise that future synergy may exist in terms of the potential future use(s) of this site, given its siting and zoning, immediately adjacent to sporting and education facilities which serve a wider population with Naas town and proximate to a wider residential area.

Therefore, it could be argued that to permit housing as opposed to open space/recreation development on the subject lands would run contrary to objective CSO 1.5 of the LAP which seeks to support the delivery of supporting physical and social infrastructure to support all residential development, which in itself is consistent with the principles of sustainability. I therefore do not concur with the appellant's view that given the site's location and configuration, that the proposal is consistent with the principles of sustainability.

7.1.4 The appellant's contention that the PA's assessment is predicated on the assumption that no housing can ever be built on lands which are zoned F - Open Space and Amenity is, in my opinion unfounded. I note that the RSES references the need to redress past legacies of rapid housing growth to ensure the delivery of further

appropriately and easily accessible social, education, recreation, sports and amenity spaces to ensure that facilities grow to meet the needs of the increasing population and keep pace with development. The RSES also outlines that the sustainable growth of Naas should be carefully managed to promote the concept of a compact town.

I am satisfied that the proposed development was assessed by the PA on its own planning merit(s) in accordance with the provisions of the CDP. I wish to also note that the onus is not on the planning officer to provide evidence that opportunities for outdoor recreation in this area fall short of the standards in the LAP, but rather that the proposal be examined in accordance with the provisions of the operative plan and that these provisions are correctly implemented. Furthermore, the appellant's assertion to the scale of open space within adjoining estates that were largely built between the 1970s and early years of this century is not sufficient on its own to support the development of the subject F-zoned lands for housing, albeit open for consideration on the site's zoning over the site's zoning objective and future use in providing for open space, amenity and recreation space on these lands.

7.1.5 While there is no doubt that there is a housing need in general, it is important to note that there is also a requirement to ensure that a plan led approach to development is applied, in the delivery of compact growth. This plan led approach is underpinned by the strategic vision for Naas as set out within Section 2.3 of the LAP and with due regard also given to the receiving environment. In this context, I have also examined the extent to which the proposal is consistent with the County's Core Strategy (CS) which is contained within the operative CDP.

7.1.6 The CS's overall aim is to provide for the delivery of an additional 9,144 housing units by the end of the Plan period within Co. Kildare through, inter alia, the delivery of sustainable compact settlements, supported by appropriate infrastructure, to mitigate against climate change and enhance the quality of life for residents.

The CS provides a housing target of 1,362 additional residential units in Naas between the period 2023-2028 and a residential zoned land requirement of 40ha to facilitate this targeted growth over the plan period. I note that the growth target set out within the LAP in 2021 has a substantially higher housing target of 2,095 additional units. The LAP confirms that its zoning of residential lands was informed by the undertaking of a Sustainable Planning and Infrastructural Assessment. I am satisfied that sufficient

zoned and serviced lands [existing residential (B), new residential (C), town centre (A)] are included within the LAP to meet the planned population and housing growth of Naas (including special needs housing) as projected in the CS and the Settlement Hierarchy. Given this and that it has not been demonstrated that there is a specific locational requirement attached to the proposed development and subject lands, I am of the view that to permit the development as proposed would be contrary to an objective of the operative CDP which seeks to ensure that the County's future growth and spatial development accords with the population and housing allocations contained in the CS which align with the regional growth strategy (CS O1).

7.1.7 On balance, it is my view that to permit the proposed development on the subject F-zoned lands would be contrary to the core strategy and policy CS1 of the LAP 'to support the sustainable long-term growth of Naas in accordance with the Core Strategy...'. It would also be contrary to the County's core strategy set out within the operative CDP which seeks to promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach (CS O7). In light of this, I concur with the findings of the PA and I recommend that permission be refused.

## 7.2. Site Layout & Design

7.2.1 An Architectural Design Statement prepared by O'Flynn Architects and a Planning Report prepared by Farry Town Planning Ltd. accompany the submitted application. The Architectural Design Statement confirms that the proposed houses have been designed to meet the UD Homes+ standard as detailed in 'The Universal Design Guidelines for Homes in Ireland' published by the National Disability Authority of Ireland (2015). The Statement refers to the definition of Universal Design as defined in the Disability Act 2005 as, 'the design and composition of an environment so that it may be accessed, understood and used to the greatest practicable extent, in the most independent and natural manner possible, in the widest possible range of situations and without the need for adaptation, modification, assistive devices or specialised solutions, by persons of any age or size or having any particular physical, sensory, mental health or intellectual ability or disability.'

7.2.2 The observers in this case consider that the proposed two-storey house designs to be more akin to standard market suburban houses rather than housing for persons with

specific housing needs. The PA also raises an issue on the design proposed, stating that the proposal does not appear to provide for the specific needs of dedicated specialist housing and that no management details are provided. I note that the appellant is not clear on the future occupants of the proposed scheme and therefore submits that the universal design standard proposed would be the most appropriate standard given its inherent flexibility and adaptability.

7.2.3 Having examined the plans and particulars submitted, I share the views expressed by the observers and the PA in regard to the design and layout proposed in this case. The 18(no) units proposed are universally designed 4-bed family homes, with no housing unit mix provided and excessive in-curtilage car parking (2 spaces per dwelling) at this urban location, which has not been justified by the appellant and which. The proposal would result in a low density scheme, being 20 units per hectare, which has not been sufficiently justified for this standalone development and which is substantially below the stated densities to be generally applied, notably 30 dph to 50 dph (net) as set out in the Compact Guidelines.

7.2.4 In referring to Section 4.4.1 of the LAP, I note that the plan highlights that there are a number of groups in society with specific design and planning needs including older people, and people with disabilities. It in part, refers to KCC's Strategic Plan for Housing Persons with Disabilities (2016) which targets that a minimum of 12% of new builds should be suitable for persons with a disability and details that the plan places emphasis on universal design in order to provide for those with specific housing needs. It also outlines that the mix and design of new housing for group/special needs housing in Naas will be influenced by a range of factors. In considering the stated factors, I submit that the proposal would not provide for a range of new housing types. While I accept that the proposal is not in conflict with any specific design standards for special needs housing within the LAP or CDP, I consider that to propose a special needs housing scheme in the absence of knowledge as to its future occupancy/specialist needs and with no clarity on the opportunity for 'downsizing' or 'right sizing' is premature.

7.2.5 On balance, I consider that sufficient rationale on the overall design and layout (including density) for a special needs housing scheme, on the subject F-zoned lands has not been provided. I do not consider that the matter of future occupancy could be suitably addressed by condition in the event that the Board was minded to grant

permission. Given this and in light of my principal concerns in respect of the development of these lands for residential use (albeit special needs houses), I see no planning reason to support the proposed development.

### 7.3. Site Drainage

I note in the outset that the subject lands are not at fluvial flood risk, with the matter of pluvial flood risk associated with on-site surface water drainage.

The appellant submitted a Drainage Design Report undertaken by Kavanagh Burke Engineers in addressing the PA's second reason for refusal. The appellant proposes to utilise an underground storage tank as the main method of stormwater attenuation, due to the lack of soil infiltration and the density of the proposed development. A series of SuDs measures are incorporated into the scheme to promote runoff interception, detention and infiltration at source, before it reaches the underground attenuation system. These include pervious paving, swales, watt butts and irrigation tree pits.

I wish to highlight that the proposed underground tank as part of a SuDs solution under POS lands would be contrary to Objective IN O24 of the operative CDP. The matter of compliance with the CDP as raised within the PA's reason for refusal (no. 2) has not therefore been satisfactorily addressed by the appellant. In this context, I concur with the PA and recommend that the application be refused on site drainage as the proposal would conflict with and materially contravene an objective of the CDP.

### 7.4. Material Contravention

- 7.4.1 The PA in its reason for refusal deemed that the proposal constituted a material contravention to the zoning objective of the site as set out within the LAP which seeks to protect and provide for open space amenity and recreational provision.

Given that 'special needs housing' is an 'open for consideration' use on F Open Space and Amenity zoned lands, the site's land use zoning objective is not, in my view, sufficiently specific so as to justify the use of the term "materially contravene" in terms of normal planning practice in this case. Should the Board not concur with my view on

this matter, and in also noting that the matter of material contravention was raised in respect of surface water drainage, I have carried out the relevant tests under Section 37(2) (Refer Section 8.8.4 below).

7.4.2 Having regard to Section 37(2) of the Planning and Development Act 2000 (as amended) (PDA), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the PA to whose decision the appeal relates, where:

- i. the proposed development is of strategic or national importance:

The development of 18(no) special needs houses is not considered to be of strategic or national importance. Therefore, it would not justify a material contravention of the CDP in this case.

or;

- ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned:

All objectives are clearly stated for the purposes of assessing this application. No conflicting objectives exist such that would warrant a material contravention in this case.

or;

- iii. permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government:

Naas is identified as a key town within the RSES. Whilst the proposed use is 'open for consideration' the site's zoning objective is to protect and provide for open space, amenity and recreation. Its development for a special needs housing scheme, therefore, would run contrary to the balancing effect sought within the RSES in the delivery of population growth and the delivery of improvements in services provision (which in part includes recreation and

amenity). It therefore would not justify a material contravention of the CDP in this case.

or;

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

There is no evidence provided that similar such development has been granted on F-zoned lands in the immediate area of this site following the adoption and implementation of the LAP and CDP, which would justify a material contravention in this case.

Having regard to criteria under Section 37(2) of the PDA, as above, it is my view that a material contravention is not warranted in this case.

## 8.0 AA Screening

I am satisfied that the information which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have reviewed the Appropriate Assessment Stage 1 Screening which was undertaken by the PA and I have carried out a full Screening Determination for the proposed development and it is attached to this report in Appendix 2.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Site and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of proposed works within an established serviceable site in an urban area.
- The site's location, over 8.5km from the nearest European site, with no direct hydrological or ecological connections.

- Taking into account the PA's screening determination.

See Appendix 2 - Screening the need for Appropriate Assessment' assessment report which is appended to this report.

## 9.0 Recommendation

I recommend that planning permission should be refused for the reasons and considerations as set out below.

## 10.0 Reasons and Considerations

1. The proposed development which provides solely for residential use by way of the development of 18(no) special needs houses on lands zoned 'F'-Open Space and Amenity would, if permitted, be contrary to the intention of the site's zoning objective "to protect and provide for open space, amenity and recreation," and would be contrary to policy CS1 of the Naas Local Area Plan 2021-2027 in supporting the sustainable long-term growth of Naas in accordance with the Core Strategy for Co. Kildare.

The proposal if permitted would therefore also be contrary to adopted objectives within the Kildare County Development Plan 2023-2029 which seek to promote and facilitate the development of sustainable and socially integrated communities through a plan-led approach (objective CS O7) and in ensuring that County Kildare's future growth and spatial development accords with the population and housing allocations contained in the Core Strategy (objective CS O1). Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The proposed development which incorporates an underground storage tank under public open space and which is the main method of stormwater attenuation along with proposed on-site SuDS features, would if permitted materially

contravene objective IN O24 of the Kildare County Development Plan 2023-2029 which states that underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution. The development if permitted, would set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

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

---

Paula Hanlon  
Planning Inspector

30 April 2025

# Form 1

## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-319687-24		
<b>Proposed Development Summary</b>	Construction of 18 (no) special needs houses together with associated site works		
<b>Development Address</b>	Oldtown Demesne, Sallins Road, Naas, Co. Kildare		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	X
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10 (Infrastructure Projects) Class10(b)(i) - Construction of more than 500 dwelling units. Class10(b)(iv) - Urban development which would involve an area greater than 10ha in the case of other parts of a built-up area.	
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required

<b>No</b>	X		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	X	<p>Class10(b)(i) – The proposed development of 18 residential units on a standalone site is below the threshold stated within Class 10(b)(i) (i.e. 500 dwelling units).</p> <p>Class10(b)(iv) – The site area stated as 0.903ha located outside of Naas town’s business district is significantly below the 10ha threshold for urban development in the case of other parts of a built-up area.</p>	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	X	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 319687-24</b>
<b>Proposed Development Summary</b>	Construction of 18 (no) special needs houses together with associated site works
<b>Development Address</b>	Oldtown demesne, Sallins Rd, Naas, Co. Kildare
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>This is a residential development (special needs houses) on an undeveloped infill site. The subject site adjoins sports facilities, primary school and residential development and is located within the settlement boundary of Naas.</p> <p>The surrounding area is urban and typified by predominantly residential development. The proposed development would not result in the production of significant waste, emissions of pollutants. No demolition works are proposed. Construction activities will require the use of potentially harmful materials (e.g. fuels, oils) which are typical of construction sites.</p> <p>Any likely impacts would be local and temporary in nature. The implementation of a CEMP would satisfactorily mitigate any potential impacts.</p> <p>No operational impacts are anticipated.</p>

	The proposed special needs housing development is not an integral part of any larger project. There are no cumulative considerations.	
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is within a built, urban area. Existing sports facilities within the grounds of Naas GAA provide a buffer area between the subject site and The Grand Canal (west).</p> <p>There are no historical, archaeological or ecological designations attached to the subject lands.</p>	
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The site is on serviced lands. Traffic impacts may potentially arise, however this matter can be addressed by way of a construction traffic management plan, if required. A Traffic &amp; Transport Assessment accompanies the application.</p>	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	<b>Yes</b>
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	<b>No</b>
There is a real likelihood of significant effects on the environment.	EIAR required.	<b>No</b>

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Screening for AA

### Finding of likely significant effects

#### Screening for Appropriate Assessment Test for likely significant effects

##### **Description of the project**

This appeal case relates solely to the proposed development of 18 (no) special needs houses together with associated site works

A detailed description of the proposed development is provided in Section 2 of the Inspector's report. No AA screening report or NIS accompanied the submitted planning application.

##### **Local site characteristics**

The development works which are subject to this appeal case (including construction and operation) are on a parcel of undeveloped urban lands. The site's topography is low lying, generally flat lands. The site is surrounded by established urban uses. The closest waterbodies to the proposed development is the Octogon pond and The Grand Canal (a man-made watercourse) which lie on lands to the west of Naas Gaa grounds. There are no streams or rivers within or adjacent to the site

The appeal site is not located within any designated Natura 2000 site(s). Mouds Bog SAC (Site Code 002331) is the nearest European site located approximately 8.5km west of the site, with the next nearest European sites being Red Bog SAC (Site Code 000397) approximately 8.6km southeast of the site.

**Case file: ABP 319687-24**

<b>Brief description of project</b>	18 (no) special needs houses. Foul wastewater will be treated within the existing public foul network. Surface Water to be disposed of via a proposed underground storage tank which is the main method of stormwater attenuation along with proposed on-site SuDS features.  A detailed description of the proposed development is provided in Section 2 of the Inspectors report.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The proposed development is on an undeveloped, underutilised site withing an urban area, and surrounded by established urban development. It is not within a designated European site.  The zone of influence for the project was determined on the basis of the Potential Source – Pathway – Receptor model and the potential for ecological and/or hydrological pathways between the Site and European site(s). No European site(s) was deemed to have a viable connection.
<b>Screening report</b>	No
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	None

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

No European site was identified as being located within a potential zone of influence.

European Site (code)	Qualifying interests <sup>1</sup> (summary) Link to conservation objectives (NPWS, date)	Distance from proposed development	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Mouds Bog SAC (002331)	<a href="#">Mouds Bog SAC   National Parks &amp; Wildlife Service</a>	8.5km	None	N
Red Bog SAC (000397)	<a href="#">Red Bog, Kildare SAC   National Parks &amp; Wildlife Service</a>	8.6km	None	N

## Describe the likely effects of the of the project (if any, alone or in combination) on European Sites

The proposed development will not result in any direct effects on any European site given the nature of the proposed works on serviceable lands and the spatial separation distance in excess of 8.5km between the site and the nearest European site(s).

#### **Step 4 Conclude if the proposed development could result in likely significant effects on a European site**

I am satisfied that the information available is adequate to allow for the making of a determination on screening for AA in this case. I note that no submission was made from any third party or prescribed body (including DHLGH) in regard to AA.

The PA carried out AA Screening as part of their assessment of the proposed development, with regard given to the spatial distance between the site and nearest European site(s), the scale nature and extent of the proposed development and the lack of hydrological pathways from the site to any European site(s). The PA concluded that there is no potential for the proposed development to result in significant effects on the Natura 2000 network.

Based on the information provided, site visit and a review of the conservation objectives and supporting documents, I consider that the proposed development within this appeal case has no potential to result in significant effects on the conservation objectives of any European site for a number of reasons:

- Nature and extent of development works sought at construction (& operation stage)
- It is clearly identified that the proposed works are not connected to or necessary for the management of any European Site.
- The lack of any ecological pathway or hydrological pathway to any European site
- Spatial separation distance, notably a distance in excess of approximately 8.5km from the nearest European site
- Intervening urban landuses between the subject lands and nearest European site
- No wastewater discharge to groundwater.
- No mitigation measures or specific conditions are required beyond best practice construction methods to avoid or reduce any adverse effects on site integrity.

In light of this, based on best scientific knowledge, there would be no significant impacts on ecology or hydrology either alone or in combination with the overall development and other projects in the vicinity, on Mouds Bog SAC and Red Bog SAC (being the nearest European sites or any other European Site(s) in the event that permission was granted. Appropriate Assessment is therefore not required.