



An
Bord
Pleanála

Inspector's Report

ABP-320977-24

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| Development | Open space for community outdoor and active recreational activity; construct two apartment blocks comprising 30 units and all ancillary works. |
| Location | Lands to the west of Oldbridge Park, Osberstown, Naas, Co. Kildare |
| Planning Authority | Kildare County Council. |
| Planning Authority Reg. Ref. | 24/60729 |
| Applicant | Springwood Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Appellant | Springwood Limited |
| Observer(s) | Colm and Duong Moylan |
| Date of Site Inspection | 14 th February 2025 |
| Inspector | John Duffy |

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1.0 Site Location and Description

- 1.1. The subject site, with a stated area of c 1.434 ha is located in the townland of Osberstown, west of the residential estate of Oldbridge Park, Naas, Co. Kildare. The site, being undeveloped, is greenfield in nature and quite overgrown. It is broadly rectangular in configuration and enclosed by green paladin fencing along the northern, eastern and southern boundaries. The site is relatively flat in topography. Mature hedgerow and trees define the northern and western site boundaries.
- 1.2. The Grand Canal adjoins the site to the west and the lands are bounded by a relatively small area of open space associated with the existing residential estate at its north-eastern side. The Heuston to Cork railway line extends along the outside edge of the site's northern boundary while Sallins Scouts Den, a single storey structure with adjoining car park lies to the south of the site. There is an adjacent cycleway / walkway to the Grand Canal. The site is located c 600 m south west of Naas-Sallins train station.

2.0 Proposed Development

- 2.1. The application as presented to the planning authority is for:
 - The change of use of the majority of the site (c 1.141 ha) from a tract of private and disused land to an area of public open space to facilitate community active and passive recreational activity. The proposal provides for a wild flower area at the western side of the lands, landscaping, removal of the boundary fence, provision of footpaths and installation of play equipment at the southern part of the site.
 - The development of 30 no. apartments in two no. three storey apartment blocks (Blocks A and B) located at the eastern part of the site. Blocks A and B shall each contain the following apartments:
 - 1 no. 1 bedroom unit
 - 11 no. 2 bedroom units
 - 3 no. 3 bedroom units
 - Parapet height of Blocks A and B are c 10.05 m, while the height to the top of the lift shafts projecting from the roofs is given as 10.5 m.

- Vehicular access is proposed from the existing estate road which adjoins the site to the east and which presently serves the existing houses facing the subject site (Nos. 53 to 74 Oldbridge Park).
- A row of car parking for 37 cars is proposed to the east of the proposed apartment blocks and adjoins the existing estate road. Two accessible parking spaces are indicated on the site layout plan.
- 2 no. electric charging points are proposed. Remaining car parking spaces to have ducting infrastructure to enable subsequent installation of recharging points for electric vehicles.
- 82 no. bicycle spaces are proposed. Sheffield bicycle stands are located at the eastern / front side of the apartment blocks while covered bicycle shelters are located between the blocks.
- 2 no. refuse bin stores finished in brick / metal (height of c 3.075 m) are located between Blocks A and B.
- Paths from the proposed apartment blocks will traverse the site and connect into the existing shared pedestrian / cyclist path connecting to the Grand Canal walkway.
- Connections to public water supply, public wastewater infrastructure and the stormwater network are also proposed.

2.2 Table 2.1 below provides a summary of the key aspects of the proposed development.

Table 2.1: Site statistics and Development Details

| | |
|---------------------------------|---|
| Site Area | 1.434 ha |
| No. of Residential Units | 30 |
| Gross Floor Area | 3117 sqm. |
| Unit Mix | 2 no. 1 bedroom units (c 6.66%) 22 no. 2 bedroom units (c 73.33%) 6 no. 3 bedroom units (20%) |
| Density | c 21 units per hectare |

| | |
|---------------------------|---------------------------------|
| Car parking | 37 (1.23 spaces per unit) |
| Cycle Parking | 82 |
| Open Space | 1.141 ha (c 79.5% of the site) |
| Private Open Space | Ranges from 7.1 sqm to 21.3 sqm |

2.3 The planning application is accompanied by several supporting documents in addition to standard plans and particulars. These include:

- Planning Report.
- Architectural Design Statement (ADS) including Housing Quality Audit (HQA).
- Appropriate Assessment Screening.
- Drainage Design Report.
- Outdoor Lighting Report.
- Ecological Impact Assessment (EcIA)
- Photomontage / CGI Booklet.
- Part V proposal.

3.0 Planning Authority Decision

The Planning Authority issued a Notification of Decision to **refuse** permission on the 13th of September 2024 for the following reasons:

1. The proposed development is located on lands zoned as 'F2 Open Space and Amenity' in the Sallins Local Area Plan 2016 – 2022, the objective of which is to protect and provide for open space amenity and recreational provision. The proposed apartment units are not permissible on F2 zoned lands. The development of residential units on such lands would therefore materially contravene the zoning objective pertaining to the lands, as set out in the Sallins Local Area Plan 2016 – 2022, would result in a loss of lands designated for open space provision, would furthermore be injurious to the amenities of the area, and would be contrary to the proper planning and sustainable development of the area.

2. Objective LR O93 of the Kildare County Development Plan 2023 – 2029 seeks to prevent the development of areas zoned open space/amenity or areas which have been indicated in a previous planning application as being open space for uses other than open space and recreation related. The development of a residential development on lands which are zoned as Open Space and Amenity, would materially contravene this objective of the County Development Plan, and would therefore be contrary to the proper planning and sustainable development of the area.

3. The Grand Canal and its branches are identified as Areas of High Amenity in the Kildare County Development Plan 2023 – 2029, where it is the policy as set out in LR P2 to protect such areas from inappropriate development and reinforce their character, distinctiveness and sense of place. The proposed lands which abut the banks of a branch of the Grand Canal are zoned open space and amenity the purpose of which is to provide an adequate buffer to ensure that developments which are permitted are of the type which does not have a disproportionate visual impact on the water corridor. The development of two three storey apartment blocks, and associated works, would therefore given their location, erode such lands, would negatively impact on the Area of High Amenity, would interfere with the character of this canal side landscape, and would therefore be contrary to the proper planning and sustainable development of the area.

3.1. Planning Authority Reports

3.1.1. Planning Report

The report of the Planning Officer dated the 12th of September 2024, sets out details of the proposed development, the site location, relevant planning history, relevant national and local planning policy, a summary of third party submissions received, feedback from internal sections and prescribed bodies and an assessment of the proposal.

In terms of the site zoning, the report states that the site is zoned F2 - Open Space and Amenity in the Sallins Local Area Plan 2016-2022 and that a specific objective pertains as follows: 'It is an objective to provide community / amenity type uses and facilities on these lands.' While residential use would not be permitted within F2 zoned

lands, the proposed open space for outdoor active and passive recreational activity would be permitted in principle.

The planning authority does not accept the applicant's assertion that the site comprises lands which are not zoned. It is considered that the legislation does not provide for the extinguishment of a LAP in the absence of a replacement plan and as such the planning authority will have regard to the Sallins LAP 2016-2022 until such time as it is reviewed or another plan made. It is considered that the proposed residential element would contravene objective LRO93 which seeks to prevent the development of open space areas for uses other than open space / recreational uses.

Concerns are raised in relation to the layout of the open space element of the proposed development, that is intrinsically linked to the proposed residential scheme, which would not be considered acceptable given the zoning of the site. It is considered that a complete redesign would be needed to ensure optimal provision of amenity space to serve the existing residential area of Oldbridge Park.

The report reflects the refusal reasons as set out in section 3 of this report.

3.1.2. Other technical reports

- Parks Section: Further Information (FI) recommended including a revised landscaping plan, an arboricultural assessment report, tress survey plan, tree constraints plan, tree protection plan.
- Water services: Recommends that FI is sought in relation to the proposed surface water drainage system which should incorporate appropriate Sustainable Drainage Systems (SuDS) and maximise nature-based solutions e.g. use of green / blue roof technology. A site specific flood risk assessment is recommended to ensure that the design of the proposed development does not adversely affect neighbouring developments or the railway line.
- Fire Officer: No objection subject to the obtaining of a Fire Safety Certificate.
- Environment Section: No objection subject to conditions including inter alia preparation of a Construction and Demolition Resource Waste Management Plan, A Construction Phase Surface Water Management Plan, an Operational Waste Management Plan, and noise control measures / limits.

- Transport, Mobility and Open Spaces: Seeking FI as follows: Provision of a Traffic Impact Assessment; Drawing required for permeability links; Consider additional traffic calming measures; Drawing required for internal roads and provision of a 3 m shared cycle / pedestrian surface to connect to canal greenway; Clarity required for locations of SuDS features; Consider permeable paving for particular areas; Electric vehicle charge points; Bicycle parking lockers; Submit Acoustic Design Statement; Undertake a car demand survey for the area; Public lighting design for permeability links.
- Naas Area Engineer: 'Refer to Roads, Transportation and Public Safety Department Report.'
- Environmental Health Officer: Notes no objection subject to conditions including, inter alia, provision of a comprehensive Construction Management Plan, provision of appropriately designed waste / refuse facilities, and that external lighting be designed to minimise potential glare and light spillage.

3.2. **Prescribed Bodies**

Irish Rail: Given the close proximity of the site to the Heuston to Cork railway line, several requirements are detailed, including, inter alia, appropriate boundary treatment, no overhang from the proposed development to occur, that the development does not undermine the integrity of the embankment supporting the public road or the bridge structure to the north, and that residential units should be designed to take account of potential noise and vibration impact that an operational railway may have on sensitive receptors.

Uisce Éireann: To assess feasibility of connection to the public water / wastewater infrastructure engagement with UÉ is required through the Pre-Connection Enquiry (PCE) process.

3.3. **Third Party Observations**

A significant number of third party submissions were received by the planning authority in relation to the proposed development. The issues raised may be summarised as follows:

- Contravenes the Sallins LAP.
- Contrary to Objective LRO93 of the Plan which relates to open space.
- Development is premature before a new LAP is in place.
- Overdevelopment.
- Overshadowing and overlooking impacts on adjoining houses.
- Negative impacts on residential amenities.
- No daylight / sunlight assessment is included.
- Proposed development is out of character with the area.
- Increase in traffic.
- Inadequate / insufficient parking.
- Lack of essential amenities in the area including childcare facilities, schools, medical facilities, recreational spaces.
- Potential for anti-social behaviour.
- Construction impacts.
- Impacts on wildlife and natural heritage.
- Devaluation of property.
- No visual assessment provided.
- No SIA provided.
- Inadequate planning documentation.
- Capacity concerns in relation to foul drainage.
- Lack of meaningful engagement with community.
- New projects should enhance the community.
- Refuse collection concerns.

4.0 Planning History

Subject site

None.

Adjoining lands to the south and east

PA Ref. 16/1131 - Permission granted in July 2017 for 76 residential units, all associated site development works, a creche and a scouts den at Osberstown, Naas.

Lands to the north-east

PA Ref. 211726 / ABP Ref. PL 09.314749 - Permission granted in April 2024 for 31 residential units on lands between Sallins Wharf, Osberstown Drive and Sallins Pier, Sallins, Co. Kildare.

5.0 Policy Context

5.1. National Planning Context

5.1.1. National Planning Framework (NPF)

The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 1 is 'Compact Growth', and it is expanded upon on page 139 of the NPF. It states, inter alia, 'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages ... pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities.'

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.

Relevant National Policy Objectives (NPOs) include:

NPO 3(a) – Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3(c) – Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

NPO 4 – 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 11 – In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 27 – Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

NPO 33 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 – Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.1.2. **‘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,

5.2. Regional Planning Context

5.2.1. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly (EMRA) (2019-2031)

The RSES supports the implementation of the NPF by providing a long-term strategic planning and economic framework for the region up to 2031.

Regional Policy Objective 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.

5.3. Section 28 Guidelines

5.3.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the relevant Section 28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2023) (the 'Apartment Guidelines').

5.3.2. Sustainable Residential Development and Compact Settlements 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.

According to the results from the 2022 Census, Sallins has a population of 6,269 persons. Having regard to Section 3.3.3 of the Guidelines, areas with a population greater than 5000 people are considered under the 'Key Towns and Large Towns'

category. Table 3.5 of the Guidelines notes that residential densities in the range 30 dph to 50 dph (net) shall generally apply at suburban / urban extension locations of Large Towns, and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extensions locations (as defined in Table 3.8).

Development standards for housing are set out in Chapter 5, and include:

1. SPPR 1 relates to separation distances (16 m above ground floor level),
2. SPPR 2 relates to private open space for houses,
3. SPPR 3 relates to car parking (1.5 spaces per dwelling in accessible locations) and
4. SPPR 4 relates to cycle parking and storage.

Section 4.4 of the Guidelines set out Key Indicators of Quality Design and Placemaking. It considers that achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question. Section 4.4 (V) relates to responsive built form.

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 within statutory development plans and in the consideration of individual planning applications

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a minimum of 15% of the net site area save in exceptional circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

5.3.3. Sustainable Urban Housing - Design Standards for New Apartments (Guidelines for Planning Authorities), 2023.

- The guidelines support the use of infill sites in urban locations to provide higher density apartment developments.
- SPPR1 - Apartment developments may include up to 50% one-bedroom or studio type units, (with no more than 25% as studios).

- SPPR2 – For urban infill schemes on sites of up to 0.25ha, where up to 9 residential units are proposed, (notwithstanding SPPR1), there shall be no restriction on dwelling mix.
- SPPR3 – Sets out the standards for minimum apartment floor areas.
- SPPR4 – Sets out the minimum number of dual aspect apartments to be provided in any scheme; a minimum of 33% dual aspect units are required in more central and accessible locations, a minimum of 50% in a suburban or intermediate location and on urban infill sites of any size or on sites of up to 0.25ha planning authorities may exercise discretion to allow lower than the 33% minimum.
- SPPR5 – Specifies floor to ceiling heights.
- SPPR6 – Specified maximum number of apartments per floor core.
- Appendix 1 – sets out the minimum requirements for aggregate floor areas, room areas and widths, storage space, private and communal amenity space.
- Car Parking – In areas that are well served by public transport, the default position is for car parking provision to be minimised, substantially reduced or wholly eliminated. This is particularly applicable where a confluence of public transport options is in close proximity.

5.3.4. **Other relevant Guidance:**

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Nature-based Solutions to the Management of Rainwater and Surface Water Runoff Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document, 2022.
- Permeability Best Practice Guide – National Transport Authority.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

5.4. Climate Action Plan (CAP) 2024

This plan 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 the Plan in its decision making.

5.5. National Biodiversity Plan 2023-2030

This plan includes five objectives by which the current national biodiversity agenda is to be set and the transformative changes required to ensure nature is valued and protected is delivered. Of relevance to the proposed development, are the targets and actions associated with Objective 2 on achieving the conservation and restoration needs of environmental designations. Section 59B(1) of the Wildlife (Amendment) Act 2000, as amended, requires the Board to have regard to the objectives and targets of the Plan in the performance of its functions.

5.6. Kildare County Development Plan 2023-2029

While I note that the RSES has designated Naas as a Key Town, the subject site at Oldbridge Park is located north of the M7 motorway and as such is located more proximate to Sallins. This is evident on the County Settlement Hierarchy Map in Chapter 2 of the Kildare County Development Plan 2023-2029.

5.6.1. Core and Settlement Strategy (Chapter 2)

This chapter sets out population projections over the lifetime of the plan. Table 2.7 provides the 'Settlement Hierarchy and Typology County Kildare. Sallins is identified in the Core Strategy as a Town which is described as "Local Service and employment functions in close proximity to higher order urban areas.' The Core Strategy Table (Table 2.8) identifies a planned population increase of 478 persons and a housing unit target of 174 for Sallins to the end of Q4 2028, with a target residential density of 35-40 units/ha.

Objective CS O4: Ensure that sufficient zoned and adequately serviced lands are available to meet the planned population and housing growth of settlements throughout the county in line with the Core Strategy and the Settlement Hierarchy.

Objective CS O5: Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a coordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

5.6.2. **Housing** (Chapter 3)

Policy HO P5: Promote residential densities appropriate to its location and surrounding context.

Objective HO O6: Ensure a balance between the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development is achieved in all new developments.

Policy HO P6: Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re- use/adaptation of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.

Objective HO O8: Support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built-up footprint.

Policy HO P7: Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.

Objective HO O16: Promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood. Apartment development must be designed in accordance with the provisions of Sections 15.2, 15.3 and 15.4 (Chapter 15), where relevant, to ensure a high standard of amenity for future residents

5.6.3. **Infrastructure & Environmental Services** (Chapter 6)

Surface Water

Objective IN 022: Require the implementation of Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage as an integral part of all new development proposals.

Objective IN 024: 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

Objective IN 025: Promote the use of green infrastructure (e.g., green roofs, green walls, planting, and green spaces) as natural water retention measures

Objective IN 026: Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum of 10% of open space provision shall be taken up by SuDS. The Council will consider the provision of SuDS on existing open space, where appropriate. The 'Sustainable Urban Drainage Systems Guidance Document' prepared as an action of this plan shall supersede this standard.

Flooding

Policy IN P5: Ensure the continued incorporation of Flood Risk Management and National Flood Risk Policy (2018) into the spatial planning of Kildare, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive and to promote a climate resilient County.

Objective IN 035: Require development proposals which may affect canals and their associated infrastructure to prepare a Flood Risk Assessment in accordance with the relevant guidance.

5.6.4. **Biodiversity and Green Infrastructure** (Chapter 12)

Objective BI O30: Ensure a Tree Management Plan is provided to ensure that trees are adequately protected during development and incorporated into the design of new developments

Policy BI P15: Promote and support the development of Sustainable Urban Drainage Systems (SuDS) to ensure surface water is drained in an environmentally friendly way by replicating natural systems.

5.6.5 **Landscape, Recreation and Amenity** (Chapter 13)

Policy LR P5: Preserve, manage and maintain to a high standard the existing public parks, open spaces, amenities and recreation facilities throughout the county.

Objective LR O93: Prevent the development of areas zoned open space/amenity or areas which have been indicated in a previous planning application as being open space for uses other than open space and recreation related.

Policy LR P2: Protect High Amenity areas from inappropriate development and reinforce their character, distinctiveness and sense of place.

Objective LR O17: Control development that will adversely affect the visual integrity of Areas of High Amenity by restricting the development of incongruous structures that are out of scale with the landscape within the Areas of High Amenity including advertising signs, hoardings, fencing etc. which create visual clutter and disrupt the open nature of these areas.

Objective LR O18: Facilitate appropriate development in areas of high amenity that can utilise existing structures, settlement areas and infrastructure, taking account of the visual absorption opportunities provided by existing topography and vegetation.

Section 13.4.6 relates to The Grand and Royal Canal Corridors. It states, inter alia, the following:

‘The canal corridors and their adjacent lands have been landscaped and enhanced along the sections where the canals flow through urban areas and with the

development of Greenways and Blueways. Canal locks are distinctive features of these water corridors. The smooth terrain, generally gentle landform and low canal bank grassland that characterise the canal corridors allow vistas over long distances without disruption, where the canal flows in a straight-line direction. Consequently, development can have a disproportionate visual impact along the water corridor, and it can prove difficult for the existing topography to visually absorb development. The occurrence of natural vegetation, coniferous and mixed plantations adjacent to the water corridors can have shielding and absorbing qualities in landscape terms, by providing natural visual barriers.'

5.6.6 Urban Design, Placemaking and Regeneration (Chapter 14)

Objective UD P1 Apply the principles of people-centred urban design and healthy placemaking as an effective growth management tool to ensure the realisation of more sustainable, inclusive, and well-designed settlements resilient to the effects of climate change and adapted to meet the changing needs of growing populations including aging and disabled persons.

Objective UD 01 Require a high standard of urban design to be integrated into the design and layout all new development and ensure compliance with the principles of healthy placemaking by providing increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity, accessible to a range of local services and amenities.

5.6.7 Development Management (Chapter 15)

The development management standards for residential development are set out in Chapter 15 of the Development plan.

Section 15.2 relates to General Development Standards, while Sections 15.3 and 15.4 relate to Design Statements and Residential Development respectively.

Section 15.6.5 Formal / Informal Play Spaces

Formal play spaces are generally designed to facilitate children and teenagers play. They are usually located within an existing public park or amenity that is easily accessible from residential areas (e.g. 5-minute walk/400 metres). Developments shall provide 'scale appropriate' children's play in semi-private or public open spaces

through provision of a scale appropriate Natural Play Area. It is the Planning Authority's preference that an imaginative approach is adopted by developers to delivering play spaces. All play areas shall be natural play spaces with landscaping and natural features e.g. logs, mounding, boulders, and sensory planting, equipment with no moving parts. Play features should be centrally located so that they are accessible and supervised.

5.7 Sallins Local Area Plan 2016 – 2022

The Sallins Local Area Plan 2016-2022 was adopted by the Naas Municipal District of Kildare County Council on 9th March 2016. I note that this LAP expired in 2022.

Kildare County Council's website states that the Council will have regard to the Sallins LAP 2016-2022 until such time as it is reviewed or another plan is made. However, I note that this Plan was not incorporated into the current Kildare County Development Plan 2023-2029.

Part C of the Sallins LAP 2016-2022 relates to land-use zonings and objectives for specific sites in Sallins. Drawing No. 200/14/669 refers and identifies the Land Use Zoning Objectives, with the subject site identified as being zoned F2 – Open Space and Amenity, with the Zoning Objective 'To protect and provide for open space, amenity and recreational provision.' A Specific Objective of F2 zoned lands states: 'It is an objective to provide community / amenity type uses and facilities on these lands.'

5.8 Natural Heritage Designations

- 5.8.1 The subject site does not adjoin and is not located within any Natura 2000 Sites. It is located c 7.8 km and 8 km south-east of Ballynafagh Lake SAC (Site Code: 001387) and Ballynafagh Bog SAC (Site Code: 000391) respectively, and c 8.1 km north-east of Mouds Bog SAC (Site Code 002331). An Appropriate Assessment Screening Report is provided with the application.
- 5.8.2 The Grand Canal which adjoins the site to the west is a proposed Natural Heritage Area (pNHA).

5.9 EIA Screening

- 5.9.1 The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first party appeal against the decision by Kildare County Council to refuse permission. The grounds of appeal are summarised below under the following headings:

General

- The proposed development would go some way towards provision of much needed accommodation in Co. Kildare.
- The location of the proposed development would accord with the principles of sustainability.
- The concerns raised by the planning authority do not relate to, inter alia, the design and position of the proposed apartment blocks, the impact of the blocks on existing residents or technical arrangements relating to access and connections to water and wastewater infrastructure.

Response to first refusal reason – Land-use

- Most of the local area plans which apply to various centres in Co. Kildare have expired. Should the Board conclude that housing cannot be built on unzoned land in such centres, including Sallins, this would not be reasonable given the urgent need for housing.
- This was recognised in Appeal Reference Numbers PL09.312671 and PL09.312685 whereby permission for a residential development was granted

in circumstances where the Maynooth LAP had expired. As such the Board had accepted that unzoned lands could be developed for residential purposes. A similar approach should be taken with this current case.

- The Board has already accepted that the Sallins LAP has expired under ABP-316440-22, which relates to a Residential Zoned Land Tax appeal whereby it was concluded that the LAP had expired.
- Reference is made to a vacant site levy decision (PA Ref. KILD-01 and An Bord Pleanála Reference ABP-309290-21) which was the subject of judicial review proceedings. The decision of the Board in this case was quashed. The applicant had argued that the Kildare LAP 2012-2018 had withered in law. In this context, it would be difficult for the Board to follow the Council's current approach and to justify a refusal of permission on land-use zoning grounds.
- The application site is not / has never been accessible by members of the public. It cannot be concluded that local amenities would be harmed by the proposed development given that most of the site would be a public park under the proposal.

Response to second refusal reason – Loss of open space

- The subject land was never included as part of any of the nearby residential development sites which is consistent with the planning officer's report confirming that there is no recent planning history on the land.

Response to third refusal reason – Visual Amenity

- The Planner's Report does not explain how the proposal would adversely affect the Grand Canal.
- The comments from the Parks Department make no reference to adverse impacts arising from the proposed development on the amenity value or visual setting of the Grand Canal.
- The proposed apartment blocks would be comparable in height to existing housing in Oldbridge Park.
- The proposed site layout offers a buffer between the apartments and the Grand Canal.

- Reference made to a planning case in the vicinity whereby a housing development was permitted and is located closer to the waterway than the current proposal.

6.2. Planning Authority Response

A response to the appeal was received from the Planning Authority on 31st October 2024. The response refers the Board to the reports prepared and received in connection with the assessment of the planning application.

6.3. Observations

One observation was received from Colm and Duong Moylan of 68 Oldbridge Park, Osberstown, Naas, Co. Kildare, and it is summarised as follows:

- The observers have lived across the road from the subject site since February 2021 when the Sallins LAP indicated that the subject lands were zoned 'Open Space and Amenity.' When advertising the houses at Nos. 53-74 Oldbridge Park for sale, the brochure appeared to align with this zoning designation.
- Apart from an almost indistinguishable colour shade change there was no indication that the subject site was to be used for any purpose other than a green space.
- It was surprising to discover that the developer had erected green mesh fencing around the majority of the site as there was an expectation that the site would be accessible. However this has not been the case.
- It is refuted that that the two blocks would seamlessly blend into the surrounding estate. The apartment blocks would be located in close proximity and directly opposite a row of lower two storey terraced and semi-detached houses.
- If the Board considers that the lands are now not zoned due to the expiry of the LAP, it should be acknowledged that housing was purchased opposite the site when the lands were zoned as Open Space and Amenity.
- Residents are only allowed partial access to this zone of open space (0.459 ha).

- Inappropriate to grant permission without an up to date assessment of services and facilities in the area. There are insufficient primary school places in the area. There is difficulty accessing GP care.
- Until a new LAP for Sallins is drafted, it is premature to conclude that the proposed development accords with the sustainable development of the town.

The observation includes the following attachments:

1. An extract from the landscape drawings denoting the proposed apartment blocks relative to existing housing.
2. A hyperlink to Inspector's Report relating to an RZLT appeal in Sallins (ABP-316757-23 refers).
3. Copy of the 2020-2021 marketing brochure for houses at Oldbridge Park.

7.0 **Assessment**

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

- Land-use and Core Strategy
- Density (New Issue)
- Layout of the proposed development
- Visual Impact
- Impact on the character of the area
- Residential Amenity
- Other issues
- Appropriate Assessment

7.2 Land-use and Core Strategy

- 7.2.1 The proposed development was considered by Kildare County Council under the Sallins Local Area Plan 2016-2022, in which the appeal site was zoned F2 – Open Space and Amenity, with the Zoning Objective ‘To protect and provide for open space, amenity and recreational provision.’ The Sallins Local Area Plan 2016-2022 was adopted by the Naas Municipal District of Kildare County Council on 9th March 2016. I note that this LAP expired in 2022. Notwithstanding, Kildare County Council’s website states that the Council will have regard to the Sallins LAP 2016-2022 until such time as it is reviewed or another plan is made. However, I note that this LAP was not incorporated into the current Kildare County Development Plan 2023-2029.
- 7.2.2 Having regard to the foregoing, I share the appellant’s view that the Sallins LAP 2016-2022 has expired and, therefore, it is the case that the Open Space and Amenity land use zoning assigned to the subject site under that LAP no longer applies, and as such the site is not zoned. Therefore, I consider that the planning authority’s first refusal reason which is predicated on the lands being zoned as Open Space /Amenity should be set aside.
- 7.2.3 In the interest of clarity, I intend to base my assessment on the current Kildare County Development Plan 2023 - 2029 which took effect on the 28th of January 2023 and is the operative plan for the area.
- 7.2.4 The subject site may be classified as an infill site which adjoins an existing residential estate. Residential development on the lands would accord with Development Plan Objective HO 08 which seeks to ‘support new housing provision over the Plan period to deliver compact and sustainable growth in the towns and villages in the County, and supporting urban renewal, infill and brownfield site development and regeneration, to strengthen the roles and viability of the towns and villages, including the requirement that at least 30% of all new homes in settlements be delivered within the existing built- up footprint.’

The site is serviced and is contiguous to a relatively new residential development. The appeal outlines the merits of the subject site, including its proximity to Sallins town centre and train station, and considers that the proposed development would constitute sustainable development.

7.2.5 Chapter 2 of the Kildare County Development Plan 2023-2029 relates to the Kildare Core Strategy and Settlement Strategy and it designates Sallins as a Tier four 'Town.' Towns are defined in the Plan as settlements with local service and employment functions. The overall the aim of the Core Strategy is to provide for the delivery of an additional 9,144 housing units to accommodate an additional 25,146 people by the end of the Plan period through, inter alia, the delivery of sustainable compact settlements supported by appropriate infrastructure.

Table 2.8 (Core Strategy) identifies a housing target of 174 units for Sallins to the end of 2028 and a requirement for 6 ha of residential zoned land to facilitate this. The proposed development of 30 residential units would equate to approximately 17.2% of the total proposed housing allocation for the settlement.

7.2.6 In February 2025 Kildare County Council published a 2 year progress report relating to the implementation and monitoring of the Kildare County Development Plan 2023 - 2029. In terms of Core Strategy, the progress report notes that Kildare County Council has met and exceeded the pro rata Core Strategy allocation for 2023 and 2024 based on an annual delivery of 1,524 units (3,048 combined).

7.2.7 Notwithstanding the aforementioned stated merits of the site, I note that the Core Strategy in the Kildare County Development Plan 2023-2029 provides a transparent evidence-based rationale for the amount of land proposed to be zoned for residential and mixed-use zonings in the County. Having regard to the nature of this proposed development which includes provision for 30 residential units on lands which currently have no statutory zoning, which were not previously zoned for residential use, and were not considered for residential development in the context of the core strategy, I consider that the proposed development would materially contravene the Core Strategy of the Kildare County Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area. As such, I recommend that permission be refused.

Objective LR O93

7.2.8 The planning authority's second refusal reason considered that the proposed development would materially contravene Objective LR O93 of the Kildare County Development Plan 2023-2029. This Objective seeks to 'Prevent the development of areas zoned open space/amenity or areas which have been indicated in a previous

planning application as being open space for uses other than open space and recreation related.'

- 7.2.9 As set out in Section 7.1 of this report, the subject lands do not presently have the benefit of any zoning objective due to the expiration of the Sallins LAP in 2022. This LAP was not incorporated into the current Kildare County Development Plan 2023-2029. In this context, it is clear that Objective LR O93 would not apply to the site as it is predicated on lands being presently zoned for open space / amenity purposes.
- 7.2.10 Similarly, given that the subject site has no recorded planning history and therefore has not been the subject of a previous planning application, I conclude that the parameters of Objective LR O93 would not apply to these lands or the proposed development.
- 7.2.11 Having regard to the foregoing, I consider that the proposed development would not materially contravene Objective LR O93. As such, I recommend that the second refusal reason be set aside.

7.3 Density (New issue)

- 7.3.1 Table 2.8, the 'Core Strategy Table' of the Kildare County Development Plan 2023-2029 identifies proposed residential density targets for each settlement. The town of Sallins has a density target of 35-40 dwellings per hectare (dph). The proposed development comprises the construction of 30 residential units on a site of 1.434 ha (as stated), which equates to a net residential density of c 21 dph which is well below the density target for the settlement identified in the current County Development Plan.
- 7.3.2 I note that the residential density targets set out in the County Development Plan are based on the guidance and density ranges provided in Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) which has been replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Under these Guidelines, Sallins with a stated population of 5,849 (as per KCDP Table 2.8 – Core Strategy Table) would fall within the definition of a 'Large Town'. It is a policy and objective of these Guidelines that residential densities in the in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns, and that densities of up to 80 dph (net) shall be open for

consideration at 'accessible' suburban / urban extension locations. The current proposal, at c 21 dph, would not meet with this objective.

- 7.3.3 The issue of density of the development was not assessed by the planning authority and it was not raised in the appeal. As identified by the appellant, the site is located near Sallins town centre and it is also in proximity to the Naas-Sallins railway station. Having regard to the Kildare County Development Plan, Specifically Objective HO07 which seeks to promote, where appropriate, increased residential density, I consider that the density of development proposed would be too low and would not be acceptable. As such, a refusal of permission is recommended. This is a new issue, and the Board may wish to seek the views of the parties.

7.4 Layout of the proposed development

- 7.4.1 I have concerns in relation to the layout of the proposed development. The proposed apartment blocks are located at the eastern extremity of the site, while much of the remainder of the site is reserved for public open space. This layout does not lend itself to the efficient use of serviced lands to provide for residential development and in my view, the proposed layout would not accord with the policies and objectives to promote compact and sustainable development on serviced lands.
- 7.4.2 In my opinion, there is scope to increase the proposed number of residential units on the lands with the development of larger apartment blocks of appropriate height set further into the site and overlooking the canal beyond the western site boundary. This would also increase the density on the lands to an acceptable quantum.
- 7.4.3 In my view, the proposed apartment blocks are located too near the estate road. If they were located further west on the site, additional planting and landscaping could be utilised to soften the visual impact of the proposed development as viewed from the estate road and existing residential development to the east of the site.
- 7.4.4 Proposed bicycle storage and refuse storage facilities are located to the front of the apartment blocks and address the road. Such facilities should be located in a less prominent position and preferably within the footprint of the proposed apartment blocks. I note that bike shelters are also provided within the public open space which would not be acceptable.
- 7.4.5 The provision of 37 no. car parking spaces to the front of the proposed development overly dominate the streetscape and would impact negatively on the visual amenity of

the area. Table 15.8 of the Kildare County Development Plan indicates maximum provision of 1.5 spaces per apartment plus 1 visitor space per 4 apartments. SPPR 3 of the Compact Settlements Guidelines notes that in accessible locations, such as the subject site which is located proximate to a train station with high capacity transport services, the maximum rate of car parking should be 1.5 spaces per unit. I consider there is scope to reduce the quantum of parking provision serving the proposed development.

7.4.6 Section 15.6.5 of the Kildare County Development Plan 2023-2029 relates to the provision of public open space for residential development. In terms of greenfield sites, such as the subject site, the minimum area of open space that is acceptable within the site is 15% of the total site area. I note the Compact Settlements Guidelines requires development plans to make provision for not less than 10% of the net site area and not more than a minimum of 15% of the net site area, save in exceptional circumstances (Policy and Objective 5.1 refers).

7.4.7 As set out in the public notices for this planning application, the vast majority of the site (c 1.141 hectares) is proposed for public open space to include a wildflower meadow, tree planting and extensive landscaping, as detailed in the submitted Landscape Plan. Total public open space provision equates to c 79.5% of the subject site. I consider that an excessive quantum of public open space is proposed which results in a poor layout for the proposed development. This subject site could potentially be utilised in a more efficient way to provide additional residential units subject to ensuring that no negative impacts on the character of the area and the residential amenities of the adjoining area would arise.

7.5 Visual Impact

7.5.1 The Planning Authority within its third reason for refusal considers that the apartment blocks and associated works would, on account of their location, have a negative impact on the Area of High Amenity that is the Grand Canal and would interfere with the character of the canal side landscape. The refusal reason refers to Policy LR P2 which seeks to protect such areas from inappropriate development.

7.5.2 Section 13.4 of the Kildare County Development Plan relates to Areas of High Amenity and these are defined as special landscape areas within the county. Section 13.4.6

relates specifically to the Grand and Royal Canals and notes that development can have a disproportionate visual impact along these water corridors.

- 7.5.3 The subject site adjoins the Grand Canal to the east. The planning authority considers that the subject lands presently act as a buffer which ensures that development does not have a disproportionate visual impact on the water corridor. I would concur with this view. However, I note that both proposed apartment blocks are to be located at the eastern side of the subject site, addressing the internal estate road. As such the blocks are set away from the canal, with a separation distance of in excess of 77 m from Block 2 and in excess of 74 m from Block 1 noted from the site layout plan. In this context I do not consider that these buildings of three storey design would negatively impact on the Grand Canal.
- 7.5.4 Further, having regard to the nature of the development proposed on the site west of the proposed blocks, comprising, inter alia, landscaping, tree planting, a wildflower meadow at the western side of the site, and provision of natural play areas, I consider that the proposed development would not significantly reduce the buffer to such an extent, that the development would have a disproportionate visual impact on the Grand Canal.
- 7.5.5 In addition, I note that the western site boundary comprises mature hedgerows, trees and natural vegetation which would provide a natural visual barrier, ensuring that the proposed apartment blocks would not have an adverse visual impact along the water corridor. It is noteworthy that no trees are proposed to be felled to facilitate the development. The Landscape Plan also proposes the planting of additional trees across the site.
- 7.5.6 Finally CGI views 11, 12 and 13 taken from or proximate to the eastern side of the canal bank as indicated in the CGI booklet provided with the application do not demonstrate a negative impact arising on this amenity area from the proposed development.
- 7.5.7 Having regard to the foregoing, I consider that the proposed development would not be contrary to Policy LP P2, would not negatively impact on the Grand Canal or interfere with the character of the canal side landscape. As such, I consider that the planning authority's third refusal reason is not warranted and I recommend that it is set aside.

7.6 Impact on the character of the area

- 7.6.1 The observers consider that the proposed apartment blocks would negatively impact on the character of the area and raise concerns relating to the proximity of the three-storey buildings directly opposite a row of lower two-storey semi-detached and terraced houses.
- 7.6.2 The prevailing character of Oldbridge Park comprises two and three storey suburban type housing. I note that there is an existing three-storey apartment block in the wider Oldbridge residential area, at Oldbridge Station.
- 7.6.3 The apartment units are proposed in two, three storey blocks (A and B) with a proposed height (to the top of the lift shaft) of c 10.5 m. The buildings occupy the eastern part of the site and address the estate road opposite (and to the west of) Nos. 53 to 74 Oldbridge Park.
- 7.6.4 Both apartment blocks are of identical design, with predominant finishes comprising a mix of brick and render, which would accord with those of existing housing in the area. I consider the proposed blocks to be acceptable in design terms and they would not negatively impact on the character of the area. The Compact Settlements Guidelines note that in order to achieve compact growth more intensive use of infill sites will need to be supported, in addition to the development of sites in locations served by existing facilities and public transport. I note also that a proposal of this nature can provide a positive contribution to the mix of typologies within the surrounding area.
- 7.6.5 Notwithstanding my assessment of the design of the proposed apartment blocks above, I have expressed serious reservations in terms of the low density of the proposed development and poor site layout under Sections 7.3 and 7.4 respectively of this report.

7.7 Residential Amenity

Impact on Existing Residential Amenity

- 7.7.1 Proposed apartment blocks A and B are located west of Nos. 53 to 74 Oldbridge Park, which comprise two and three storey houses. As indicated on the site layout plan, the proposed blocks are located in excess of 28 m from these existing units.
- 7.7.2 Section 15.2.2 of the Kildare County Development Plan relates to overlooking and separation distances. It indicates that a separation distance of 22 m between directly

opposing first floor windows would be required, and that a greater separation distance of 35 m may be required for taller buildings (e.g. apartment developments and those over three storeys high).

7.7.3 SPPR 1 of the Compact Settlement Guidelines supersedes Development Plan guidance in this regard and states that ‘a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.’ Given the proposed separation distance of c 28 m achieved between the proposed apartment blocks and existing housing at Oldbridge Park, I do not anticipate any undue impacts arising on existing properties in terms of overlooking, overbearing or overshadowing impacts. I therefore conclude that the proposed development would not negatively impact the residential amenities of nearby housing.

Impact on Future Residential Amenity

7.7.4 Appendix E of the Architectural Design Statement includes a Housing Quality Assessment (HQA) of the proposed development in order to demonstrate compliance with development standards as set out in the Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2023) (the ‘Apartment Guidelines’). All proposed units exceed the minimum floor area required and either meet or exceed minimum storage space provision.

7.7.5 As evidenced from an examination of the submitted floor plans, all proposed apartment units are dual aspect. The section drawings demonstrate that ground level floor to ceiling heights meet the minimum 2.7 m requirement. There are five units per stair / lift core which is below the maximum of 12 per floor per core.

7.7.6 Each of the proposed apartment units are provided with private open space in the form of either terraces (at ground floor level) or balconies on upper floors, which are above minimum sizes and range between 7.1 sqm and 21.3 sqm. While no specific communal open space is indicated on the drawings, I note the significant quantum of public open space proposed across the subject site, equating to just below 80%.

7.7.7 Having regard to the assessment above, I consider that the proposed development would substantially accord with the Apartment Guidelines and would provide for a good level of amenity for future residents.

7.8 Other Issues

7.8.1 Ecological Impact Assessment (EclA)

An EclA was submitted with the planning application stating that field works for surveys was carried out in July 2024. The aims of the field surveys were, inter alia, to identify habitat types on the lands, assess for the presence of flora and fauna, and to identify any protected fauna. Surveys were undertaken for mammals, birds, invertebrates, trees, bat roosting habitats and botanical features. All surveys are stated to have been undertaken by competent ecologists during optimal periods.

The majority of the site consists of Dry Meadows and Grassy Verges habitat. Other habitats include a small section of Recolonising Bare Ground at the existing access gate, a Drainage Ditch along the western boundary, next to the Hedgerow habitat which runs along the Grand Canal. Amenity Grassland is evident to the north-east of the site. No Annex I habitats were recorded within or surrounding the proposed development area. Habitat types were typical of those found in urban areas.

While no dedicated bird survey was undertaken, the majority of birds seen and heard during the field surveys were typical of species found in an urban setting. No birds protected under the Birds Directive or Habitats Directive were observed.

No protected mammal species were found to occur within or surrounding the proposed development area and it is considered unlikely that any protected mammal species will be impacted as a result of the construction and operation of the development.

Bat surveys included a visual inspection during the day of trees and an assessment for roosting bats. Hedgerows on site have low to moderate suitability bat habitat, while hedgerows along the Grand Canal, adjoining the development site, are an important habitat for bats. Trees on site did not contain obvious holes, cracks or cavities. The site was noted as having low to moderate roosting habitat and moderate to high commuting and foraging habitat.

No evidence of breeding frog or smooth newt was found.

Winter Heliotrope, a non-Third Schedule invasive species was recorded at several locations throughout the site.

Potential impacts on habitats located within and surrounding the subject site are provided in Table 10 of the EcIA, with the significance of impacts considered to be negligible.

No impacts are predicted on mammalian species other than the loss of foraging / commuting habitat.

Possible impacts of minor / adverse significance are predicted on bird species due to loss of some feeding and foraging areas arising from the development of dry meadows and grassy verges habitat along with increased human activity on the site.

In terms of bat populations, some permanent impacts are predicted due to loss of habitat and possible disturbance to commuting corridors from artificial lighting. It is considered that the habitat to be removed is of poor quality and would not be considered to constitute a significant loss of support habitat for bats. Given that no bat roosts will be impacted by the proposed development as hedgerows will be retained, and the availability of similar better quality habitats locally, impact on bat populations due to the construction of the proposed development is considered to be minor adverse. Lighting during the operational phase is considered minor adverse but no significant habitat loss or reduction in favourable conservation status is anticipated.

Given that there is a drainage ditch at the western side of the site which provides suitable breeding habitat for frogs there is potential for frogs to be impacted by the proposed development, with impacts considered to be minor adverse.

Cumulatively, the overall significance of the proposed development on fauna is considered to be minor adverse or lower.

Mitigation measures are proposed for habitats and fauna in Tables 12 and 13 respectively. In terms of potential disturbance to bats from lighting, measures identified such as the use of directional lighting which will restrict excessive light pollution from the site for bats are proposed and are appropriate. I do not consider that the development as proposed will be detrimental to the species which were found on site. I note that the bat survey was undertaken in July 2024 which is within the appropriate period for doing so as bats are most active during the summer months.

While I note the mammal survey was undertaken in July, badgers would be most active from February to April and this is also when vegetation cover is at a minimum,

enhancing the probability of detection. In my view this is a constraint of the survey(s) carried out in the month of July.

Having regard to the Habitat Survey and Green Infrastructure Mapping prepared in support of the Sallins LAP 2016-2022, I note that otters are known to use the Grand Canal, which adjoins the site to the west, and the River Liffey which flows in the area. The EclA does not, however, appear to make reference to this protected species.

The Habitat Survey also refers to important areas for birds in the vicinity of the site, specifically the River Liffey and the Grand Canal, which, it states, are both known to support Kingfisher. In my opinion, it would be appropriate to carry out a dedicated bird survey in respect of the site and its surrounding area.

7.8.2 Drainage infrastructure

The Drainage Layout Drawing shows that water supply to the proposed development is to be provided through the existing watermain in Oldbridge Park. The proposed foul sewer is to discharge to the existing foul sewer in Oldbridge Park. To assess feasibility of connection to the public water / wastewater infrastructure the report from UÉ received in connection with the application recommends engagement with it is required through the Pre-Connection Enquiry (PCE) process.

Surface water run-off is to be routed through Sustainable Drainage Systems (SuDS), specifically permeable surfacing and a detention basin. Maximum allowable discharge is limited to the greenfield run-off rate. The Drainage Report notes that only excess surface water run-off from the site not disposed of in the SuDS devices will be discharged to the canal at a rate below the calculated greenfield run-off rate. A flow control device will be installed on the outfall of the site drainage system

The Water Services Department recommended FI be sought in connection with the SuDS design with a view to maximising nature-based solutions such as utilisation of green / blue roof technology. In addition, submission of a site specific flood risk assessment is recommended to ensure that the design and the implementation of the design does not adversely affect the neighbouring developments or the railway line.

7.8.3 Flooding

The larger towns and population centres in the County including Sallins are not included in the Strategic Flood Risk Assessment (SFRA) prepared for the Kildare

County Development Plan 2023-2029. That Assessment notes that SFRA's for these areas will be carried out on an individual basis as the Local Area Plans are due for review and updating. Having examined the SFRA prepared in connection with the now expired Sallins LAP 2016-2022, it is apparent that it did not include or incorporate the subject site. I have also examined online OPW flood risk maps which indicates no information is available for the subject location, although the map appears to indicate some flooding on the western part of the site. In the absence of a Site Specific Flood Risk Assessment I am not in a position to determine the level of flood risk associated with the subject site.

7.8.4 Landscaping

A Landscape Masterplan is provided which identified locations where named specimen trees, hedging and shrubs will be planted across the site. No trees are proposed for removal. A Tree Protection Fenceline will be erected along the northern and western site extents to ensure protection of existing trees. The Masterplan also details the playground layout and apparatus specifications.

Parks Department has recommended that FI is sought on a number of matters including, inter alia, a better range of specimen trees, omission of bike stores from public open space, seating design, pathway finishes, play equipment, a new boundary line around the apartments and integration of the SuDS design into the Landscape Plan. As such, a revised and scaled Landscape Plan is sought. Furthermore an Arboricultural Assessment report to include, inter alia, a Tree Survey Plan and Schedule, an Arboricultural Impact Assessment and Arboricultural Method Statement are requested.

7.8.5 Noise

Given the location of the site adjoining the railway line and also located near the Sallins Bypass and the M7 Motorway, I note that the Transport Department recommended that the applicant provide an Acoustic Design Statement to ensure the proposed development including external areas would not be exposed to excessive noise levels as outlined in the Kildare County Third Noise Action Plan. Provision of such a Statement would be appropriate in any application for residential development on this site.

8.0 Appropriate Assessment

8.1. Stage 1 – Appropriate Assessment Screening

- 8.1.1. I am satisfied that the information on file 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 submitted to the planning authority on the 30th of July 2024 and I have carried out a full Screening Determination for the proposed development and it is attached to this report in Appendix 3.
- 8.1.2 In accordance with section 177U(4) of the Planning and Development Act 2000, as amended (2000 Act), and on the basis of objective information, I conclude that the proposed development (project) would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the 2000 Act is not required.
- 8.1.3 This conclusion is based on:
- Objective information presented in the Appropriate Assessment Screening Report.
 - Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
 - Qualifying interests, special conservation interests, and conservation objectives of the European sites.
 - Distances from European sites.
 - Absence of hydrological pathways to any European site.
 - The discharge of surface water to the public surface water system after appropriate SuDS treatment.
 - The disposal of foul water to the public foul sewer system for treatment.
 - The unsuitability of the site for use by ex-situ conservation objective bird species of SPAs in the wider area.

8.1.4 No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. The Core Strategy provides a transparent evidence-based rationale for the amount of land proposed to be zoned for residential and mixed-use zonings in the development plan. Having regard to the nature of the proposed development which includes provision for 30 residential units on lands which currently have no statutory zoning and which were never previously zoned for residential use, the proposed development would materially contravene the Core Strategy of the Kildare County Development Plan 2023-2029 and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Notwithstanding the first refusal reason, having regard to the poor layout of the proposed development, in which the vast majority of the site (approximately 79.5%) is proposed for public open space provision and where the apartment blocks are located at the eastern extremity of the site, it is considered that the site layout is inadequate and does not constitute an efficient use of serviced lands within an accessible location. This is evidenced by the proposed density of c 21 uph which is significantly below the minimum density levels specified for such sites in both the Kildare County Development Plan 2023-2029 and the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024). As such, the proposed development would fail to accord with policies and objectives to promote compact and sustainable development, would contravene the Kildare County Development Plan 2023-2029 and the Sustainable Residential Development and Compact Settlements,

Guidelines for Planning Authorities (2024), and would be contrary to the proper planning and 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.

John Duffy

Planning Inspector

13th March 2025

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|--|---|--|---|
| An Bord Pleanála Case Reference | ABP-320977-24 | | |
| Proposed Development Summary | Provision of open space, landscaping and construction of 2 no. three storey apartment blocks to accommodate a total of 30 no. apartments. | | |
| Development Address | Lands to the west of Oldbridge Park, Osberstown, Naas, Co. Kildare. | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | ✓ |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | | Class 10(b)(i) and / or Class 10(b)(iv) | ✓ Proceed to Q3. |
| No | | | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | ✓ | | Proceed to Q4 |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | ✓ | Appropriate thresholds in accordance with Class 10(b): - Class 10(b)(i) – more than 500 dwelling units. - Class 10(b)(iv) – urban development in an area greater than 10 ha. - 30 residential units proposed. - Site area is stated as 1.434 ha. | Preliminary examination required (Form 2) |

| 5. Has Schedule 7A information been submitted? | | |
|--|---|---|
| No | ✓ | Screening determination remains as above (Q1 to Q4) |
| Yes | | Screening Determination required |

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

| | |
|--|--|
| An Bord Pleanála Case Reference | ABP-320977-24 |
| Proposed Development Summary | Provision of open space, landscaping and construction of two three storey apartment blocks to accommodate a total of 30 no. apartments. |
| Development Address | Lands to the west of Oldbridge Park, Osberstown, Naas, Co. Kildare. |
| 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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith. | |
| Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health). | <p>This is a residential development on greenfield lands located contiguous to the residential development of Oldbridge Park within the development boundary of Sallins. The surrounding area is urban in nature primarily consisting of housing.</p> <p>The proposed development would not result in the production of significant waste, emissions of pollutants. No demolition works are proposed.</p> <p>Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p> <p>The proposed development is not an integral part of any larger project and there are no cumulative considerations.</p> |

| | |
|--|---|
| | |
| <p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p> | <p>The majority of the site comprises dry meadows and grassy verges. The EclA demonstrates that the site is not a significant habitat for any protected species.</p> <p>The site is distant from European Sites. The nearest is Ballynafagh Lake SAC located some 7.8 km from the appeal site.</p> <p>The Grand Canal adjoins the subject site to the west.</p> |
| <p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p> | <p>Some cumulative traffic impacts may arise during construction and operational stages. Implementation of a construction traffic management plan would typically consider and adequately mitigate impacts of construction traffic.</p> <p>No trans-boundary effects arise as a result of the proposed development.</p> |

| Conclusion | | |
|--|---|-----------|
| Likelihood of Significant Effects | Conclusion in respect of EIA | Yes or No |
| There is no real likelihood of significant effects on the environment. | EIA is not required. | Yes |
| 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. | No |
| There is a real likelihood of significant effects on the environment. | EIAR required. | No |

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3: Appropriate Assessment – Screening Determination

Screening for Appropriate Assessment

Screening Determination

Step 1: Description of the Project

I have considered the proposed development (project) in light of the requirements of section 177U of the Planning and Development Act 2000, as amended.

Subject Site

The subject site, located in the townland of Osberstown in the town of Sallins, on vacant lands west of Oldbridge Park in Sallins, east of the Grand Canal, south of the Heuston to Cork railway line, and north of the Sallins Scouts Den, has a stated area of c 1.434 hectares. The land comprises a greenfield site which is broadly rectangular in configuration and relatively flat in topography. The site is quite overgrown and is enclosed by green paladin fencing along the northern, eastern and southern boundaries. Mature hedgerow and trees define the northern and western site boundaries.

The closest waterbody to the project is the Grand Canal (a man-made watercourse) which flows through the adjoining site to the west. There is a drainage ditch at the western site boundary. The nearest river is the River Liffey located c 0.85 km to the north west. There are no streams or rivers within or adjacent to the site. The site is located c.7.8 km from Ballynafagh Lake SAC, c 8 km from Ballynafagh Bog SAC, c 8.1 km from Mouds Bog SAC, c 10.3 km from Red Bog SAC, c 12 km from Pollardstown Fen SAC and c 12.5 km from Poulaphouca Reservoir SPA.

Project

The project comprises the change of use of the majority of the site (c 1.141 ha) from a tract of private and disused land to an area of public open space to facilitate recreational activity, provision of a wildflower meadow at the western side of the site, hard and soft landscaping, tree planting, boundary treatments, installation of play equipment, and construction of 30 no. apartments in 2 no. 3 storey apartment blocks located at the eastern side of the site. Also included are 37 no. car parking spaces, 82 bicycle parking spaces, footpaths, public lighting, infrastructural works associated with water supply, wastewater drainage, surface water drainage (including connections to the public networks, SuDS features, and attenuation areas).

Existing water services networks are located in the estate road at Oldbridge Park adjacent to the site. Wastewater arising from the project will be discharged via a pipe to an existing foul sewer manhole at Oldbridge Park. Foul wastewater will be treated within the existing public foul network.

After attenuation on-site surface water drainage will be directed to the surface water drainage network.

Proposed SuDS features will consist of new attenuation areas with outflow restricted to Greenfield run-off rates. It is proposed to install permeable paving to accommodate run-off from hardstanding areas. A detention basin is proposed within the public open space. A petrol / oil interceptor will be installed to control the water quality, prior to discharging into the existing surface water network / canal.

Submissions and Observations

In order to assess feasibility of connection to the public water / wastewater infrastructure Uisce Eireann indicates that engagement with it is required through the Pre-Connection Enquiry (PCE) process.

The planning authority completed an appropriate assessment screening of the project. Regard was had to the distance between the subject site, the scale nature and extent of the proposed development and the lack of hydrological pathways from the said to the designated sites. It concludes that there is no potential for the proposed development to result in significant effects on the Natura 2000 network. The Environment Section of Kildare County Council raised no objections in terms of the findings of the AA Screening.

Step 2: Potential Impact Mechanisms from the Project

Site Surveys

Field surveys were undertaken in July 2024 to identify habitat types, bat, mammal and bird species at the site. The identified habitats on site are described as consisting of dry meadows and grassy verges (majority), recolonising bare ground, a drainage ditch, and hedgerow. Adjoining habitat types are stated as canal to the west, amenity grassland to the north-east and buildings and artificial surfaces to the east and south.

Habitat types recorded were typical of urban areas and no habitats listed in Annex I of the Habitats Directive were noted. During the field survey the majority of birds seen and heard were typical of species within an urban setting. No birds protected under the EU Birds Directive or the Habitats Directive were observed. In terms of the possibility of on-site foraging by conservation objective species of the single SPA (Poulaphouca Reservoir SPA located c 12.5 km of the appeal site, the relevant conservation objectives species are the Greylag Goose and the Lesser Black-backed Gull, birds not typically associated with this type of urban site. There are no Annex I bird species recorded on site as per the EclA.

While the EclA does not indicate that bats were observed on site it notes that on-site hedgerows offer low to moderate suitability bat habitat, however hedgerow habitats at the Grand Canal, next to the site are important habitats for bats.

No evidence of breeding frog or smooth newt was found in the survey area.

Mammal trails were observed along the northern boundary of the site. Fox scat was observed towards the eastern boundary. No protected mammal species were found to occur within or surrounding the proposed development area.

I note that no protected mammal species are included in any of the QIs of the SACs listed as being within the Zone of Influence of the subject site.

European Sites

The AA Screening Report lists designated sites considered within the Zone of Influence (Zoi). These comprise designated sites within c 12.5 km of the subject site. Table 7 (pg. 28) identifies 6 European sites, their Qualifying Interests, distances from the proposed site, their conservation objectives and a determination of likely impact.

Having considered the absence of any direct overlap between the location of the proposed development and each European Site, that there were no QI habitats or species or SCI bird species recorded at the site of the proposed development, that the direct distance between the location of the proposed development is too great for significant impacts to occur, and finally that there is no indirect connectivity to the designated site via rivers, streams, drainage ditches, etc., it is concluded that the proposed development is extremely unlikely to have any significant direct or indirect impacts on Natura 2000 sites and as such they are not further considered in the AA Screening.

Having regard to the significant separation distances and lack of any direct and indirect hydrological connections between the development site and all of the European Sites listed in Table 7, I do not anticipate any impact on any European Site. As such, it is concluded that, in the absence of mitigation, the proposed development would not give rise to any significant effects to any of the European Sites listed in Table 7 of the AA Screening, or any European Site

Effect Mechanisms

In determining the potential impact mechanisms arising from the project on the relevant European sites, I have had regard to the AA Screening Report and all other relevant information on the case file.

I note and find the following:

- There are no protected habitats or species identified as residing at the site and therefore the likelihood of any significant effect of the project on any European site due to loss of habitat and / or disturbance of species can be reasonably excluded.
- The significant distances between the subject site and the European sites listed in Table 7 of the AA Screening ranging from c 7.8 km to 12.5 km.
- The absence of any hydrological link between the subject site and the European Sites.

- Site development, clearance and construction activities pose a potential risk to surface water / groundwater quality due to contamination. However, there are no natural waterbodies at or adjacent to the site which have a hydrological connection to any European Site and no evidence of vulnerable groundwater conditions.
- The high probability that a pollution event at and/ or pollution from the construction site would be minimal in significance and / or quantity.
- The development works would typically be managed and implemented in line with a CEMP / CMP, which would include standardised pollution prevention and surface water control measures.
- The project incorporates SuDS features including, detention basin and permeable paving. These SuDS features will intercept, convey, and dispose of stormwater thereby having an attenuating effect and reducing the volume of surface water runoff.
- The incorporation of SuDS features into the design of the project is required by several policy frameworks (e.g. Flood Risk Guidelines, CDP) and are a standardised embedded mitigation.
- The effects of SuDS have therefore been considered in the undertaking of this appropriate assessment screening as the primary reason for the use of SuDS has not been to protect a European site.

Having regard to the characteristics of the project in terms of the site's features and location, and the project's scale of works, I do not consider there to be any potential impact mechanism which would result in a likely significant effect on any European sites.

Step 3: European Site(s) at Risk

As outlined above, the AA Screening Report identifies 6 European Sites within the Zone of Influence. For the reasons I have outlined above, I do not identify any impact mechanisms which could have a likely significant effect on any of the identified European sites. As such, there are no European sites at risk of likely significant effect from the project.

Step 4: Likely Significant Effects on the European Site(s) 'Alone'

For the reasons outlined above, I conclude that the project would have no likely significant effect 'alone' on the qualifying features of any European site. In the interest of completeness, further appropriate assessment screening in-combination with other plans and projects is required.

Step 5: Where Relevant, Likely Significant Effects on the European Site(s) 'In-Combination with other Plans and Projects'

The AA Screening Report relating to cumulative and in-combination impacts indicates that nearby projects were considered in this regard and a conclusion was made that no such impacts upon any Natura site is predicted. I have also reviewed the planning authority's website for applicable

appropriate assessment information on relevant plans (CDP), and the planning authority and An Bord Pleanála's planning registers for relevant planning cases (correct as of the date of this assessment).

The AA Screening Report does not identify any significant in-combination effect. Following my own review, this is a conclusion with which I concur. I consider that the key plan is the CDP which seeks environmental protection and pollution prevention, and the projects are to be constructed to operate within industry standards. I conclude that the project would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site.

Overall Conclusion – Screening Determination

In accordance with section 177U(4) of the Planning and Development Act 2000, as amended, and on the basis of objective information, I conclude that the project would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that Appropriate Assessment (Stage 2) under section 177V of the Planning and Development Act 2000, as amended, is not required.

This conclusion is based on:

- Objective information presented in the Appropriate Assessment Screening Report.
- Standard pollution controls that would be employed regardless of proximity to a European site and the effectiveness of same.
- Qualifying interests, special conservation interests, and conservation objectives of the European sites.
- Distances from European sites.
- Absence of hydrological pathways to any European site.
- The discharge of surface water to the public surface water system after appropriate SuDS treatment.
- The disposal of foul water to the public foul sewer system for treatment.
- The unsuitability of the site for use by ex-situ conservation objective bird species of SPAs in the wider area.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Inspector: _____

Date: _____