



An  
Bord  
Pleanála

## Inspector's Report

**ABP-321159-24**

<b>Development</b>	Construction of a post-primary school and all ancillary site development works.
<b>Location</b>	Former Magee Barracks, Kildare Town, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2360321
<b>Applicant(s)</b>	The Minister for Education
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	First against Conditions and Third Party against Decision
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Keith McGannon</li><li>2. Minister for Education</li><li>3. Stephen and Lisa O'Sullivan</li></ol>
<b>Observer(s)</b>	None

**Date of Site Inspection**

04/01/2025

**Inspector**

Catherine Hanly

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## **1.0 Site Location and Description**

- 1.1. The site is located on the eastern side of Kildare town in the former Magee Barracks site. The site is bounded by Kildare Town Educate Together Primary School and Gaelscoil Mhic Aodha along the western and south-western boundaries. The residential dwellings at St. Barbara's Park are located along the north-western boundaries of the site. Melitta Road is located along the northern boundary of the site. The land to the north-east of the site is occupied by a detached residential dwelling known as Woodside and a residential estate known as Melitta Park. The remainder of the former Magee Barracks site abuts the south-eastern, southern and south-western boundaries of the site. The Ruanbeg housing estate borders the south-eastern boundaries of the former Magee Barracks site.
- 1.2. A Strategic Housing Development by Ballymount Homes is currently under construction on the wider lands of the Former Magee Barracks to the south-west of the site.
- 1.3. The site measures 4.83 ha and consists of agricultural land under grass cover which is currently being grazed by sheep. The site is relatively flat with a slight fall of approximately 7 m from the northern boundary to the south-eastern boundary. There is an ESB line that traverses the northern and north-eastern boundaries of the site.
- 1.4. A treeline defines the boundary of the site with the existing school sites to the west. A hedgerow traverses the site from the north-east to southwest alongside a field boundary. The northern, eastern and south-western boundaries of the site are enclosed by fencing. A wall encloses the eastern boundary of the site with the Ruanbeg residential estate.

## **2.0 Proposed Development**

- 2.1. The proposed development, as amended at Further Information stage, comprises the following:
  - Phased construction of a new 2 storey, 37 no. classroom post-primary school (Curragh Community College) with a total floor area of circa 10,183.8 sqm.

- Ancillary accommodation including an external bin store, electricity substation, external caretakers office, storage shed, heat pump enclosure, car parking, drop off and bicycle parking.
- Grass playing pitch (to be shared with adjoining Kildare Town Educate Together and Gaelscoil Mhic Aodha), external ballcourts, including adjusted/ additional ballcourts in the grounds of Kildare Town Educate Together and Gaelscoil Mhic Aodha.
- Photovoltaic panels on the roof.
- Circa 135 m length of access road from Melitta Road.
- Upgrade works to the existing signalised junction between Melitta Road and Station Road.
- A service road connection to the existing access road to the south-west of the site.
- All ancillary site development works.
- Phase 1 will include the construction of:
  - 4,982 sqm of (2 storey) school accommodation incorporating 16 classrooms, specialist classrooms, sports changing rooms, fitness suite, temporary staffroom and GP Hall/dining space (to be converted to specialist classrooms in Phase 2), along with ancillary accommodation including an external bin store, electricity substation, external caretaker office, storage shed parking spaces, bicycle parking and 5 No. ballcourts and heat pump enclosure.
  - A new entrance from the R413 and construction of c. 135 m of the new access road off Melitta Road via a new signalised junction with associated pedestrian and cyclist facilities.
  - 71 no. car parking spaces and 244 no. bicycle parking spaces.
  - A grass pitch area.
  - Hard and soft landscaping.

- A service/ emergency access road off the existing shared access road to the southwest.
- All ancillary site development works.
- Phases 2 and 3 will include:
  - The completion of 6201.8 sqm of (2 no. storey) school accommodation, incorporating 21 no. classrooms, a general purpose hall, a PE hall, a special needs unit, a library, a staff room and all ancillary accommodation.
  - Additional car parking spaces, bringing the total number up to 92 no. spaces.
  - Additional bicycle parking bringing the total number up to 356 no. spaces.
  - An SEN garden, a drop off area and finalisation of the hard and soft landscaping areas.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Notification of the Decision to Grant Permission was issued on 9<sup>th</sup> October 2024, subject to 34 no. conditions.
- 3.1.2. Condition no. 2 requires the submission of a phasing plan for the delivery of the new junction and new car park as part of phase 1.
- 3.1.3. Condition no. 6 requires that prior to the commencement of phase 2, *“the Developer shall ensure that the entire Roads Objective linking the Melitta Road with the Dublin Road and the full permeability link for all road users into the Ruanbeg Estate is fully designed with the written agreement of the Planning Authority. The Roads Objective will link the school campus to Melitta Road, Ruanbeg Estate and the Large/ Strategic Housing Development to the south, with a stretch currently being constructed under Planning Grant Ref 19-305007, at the Magee Barracks Site. The Road is required to assist in the delivery of the following Movement Objectives identified in the Kildare Local Area Plan- Permeability 18, 19, 20, 21& 22 Cycle 29 &30, Road PA1.*

*Reason: To cater for the increased number of trips and avoid obstruction of the town centre by school and construction traffic.”*

- 3.1.4. Condition no. 7 requires that prior to the occupancy of phase 1, the developer shall construct the new signalised junction with the Melitta Road at the northern corner of the site, the 135m section of the roads objective and the new car park as part of phase 1 of the new school.
- 3.1.5. Condition no. 8 requires that prior to occupancy of phase 1 of the development, the developer shall construct the new signalised junction with the Melitta Road at the northern corner of the site.
- 3.1.6. Condition no. 9 requires that prior to the occupancy of phase 1, the developer shall upgrade the existing signalised junction between the Melitta Road (R413) and Station Road (R415).
- 3.1.7. Condition no. 15 requires that prior to the occupancy of phase 1, *“the Developer shall submit design details on the opening of filtered permeability links for the written agreement of the Planning Authority. Initially the priority filtered permeability link(s), for walking and cycling, with Ruanbeg Estate, is envisaged to facilitate Active Travel to Phase 1. This has been identified in the Developer’s TTA as a solution to link to housing estates and assist in a modal shift. The Developer is requested to note that sections of Ruanbeg have been taken in charge by Kildare County Council, on the 20/01/2016. The Developer shall cooperate with future initiatives by Kildare County Council and neighbouring Developers. Ideally, the filtered permeability should be 24 hours 7 days per week, but consideration should be given to security to the remainder of the campus, during Phase 1, and the Developer may wish to propose pedestrian and cycle access during school business hours only, through some form of gated entrance and associated time signage. In the detailed solution, the Developer shall consider the following: personal security; legibility; quality of the environment, maintenance, public lighting, footpath landscape, materials, boundary treatment and passive surveillance. The Developer shall prepare a drawing showing that gradients, horizontal alignments, and Sightlines are compliant with relevant design codes such as the Cycle Design Manual / Design Manual for Urban Roads and Streets.*
- Reason: To facilitate Active Travel by students to Phase 1 of the school.”*
- 3.1.8. Condition no. 25 relates to the management of surface water.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

- The initial Planner's Report, dated 08/12/2023, requested Further Information (FI) in relation to 19 no. items.
- The Planner's Report following the submission of the FI Response, dated 08/10/2024, assessed the applicant's FI response. The report recommended a grant of permission subject to conditions. I note that the Request for FI did not include items numbered 4 and 5. The Planners Report in their assessment of the FI did not include an item numbered 5.

The following provides a summary of the FI items and their assessment based on the numbering set out in the Planner's Report, dated 08/10/2024:

- Item nos. 1, 2, 3, 4 and 6 requested details in relation to the landscaping and boundary treatment plans, surface water drainage and a revised flood risk assessment. The submitted documentation was considered acceptable subject to conditions.
- Item no. 7 requested details regarding the "soakaway 50" under the proposed distributor road. The applicant submitted an engineering report. The Planning Authority noted that no report was received from the Kildare/ Newbridge MD office.
- Item no. 8 requested revised details for the delivery of the new junction and new car park as part of phase 1 rather than phase 2. The applicant removed the temporary school access and submitted updated drawings identifying the phased delivery of the new junction and new car park as part of phase 1. A gated single lane service access is retained to the south of the site. The submitted documentation was considered acceptable subject to conditions.
- Item no. 9 requested design details for the distributor road which is to be completed in phase 2 with full permeability into the Ruanbeg estate. The applicant submitted a drawing showing sustainable transport links through the residential scheme to the south into the Ruanbeg estate. An updated report from the Roads section was received with conditions attached. The Planner's Report noted that there is a serious need to deliver this part of the road



objective prior to the commencement of phase 2 to ensure traffic can be filtered through the route.

- Item no. 10 requested details of the upgrade work to the signalised junction between the Melitta Road and Station Road. The submitted documents were considered acceptable subject to conditions.
- Item no. 11 requested details of permeability links to Ruanbeg Drive in phase one. The applicant stated that this was beyond the scope of the application and instead proposed an alternative link with Ruanbeg Drive to the southwest corner of the proposed school site via the Ballymount Properties Development which is under construction. The applicant stated that this addresses the modal shift promoted in the TTA. The applicant was also requested to provide links to Ruanbeg Crescent. The applicant has not proposed this link as it is stated that it is outside the Design Team's control. The proposed boundary treatments have however been designed to address outline layouts of the Distributor Road through the provision of an entrance and service gate for those who approach from the east. The Planner's Report noted the report from the Roads Section with conditions attached. The Planner's Report also highlighted the importance of providing a pedestrian link to Ruanbeg which should be delivered in phase one and recommended attaching a condition addressing this.
- Item no. 12, 13, 14, 15, 16, 17, 18, 19 and 20 requested details in relation to a Quality Audit, a stage 1/ 2 Road Safety Assessment, a revised Traffic and Transport Assessment, a Mobility Management Plan, details of bicycle parking, details of Electric Vehicle (EV) charging, attenuation details and public lighting. The submitted documentation in response was considered acceptable subject to conditions.

### 3.2.2. Other Technical Reports

- Kildare/ Newbridge Municipal District: No report received following submission of Further Information. At initial assessment stage Further Information was requested in relation to 1 no. item regarding surface water.
- Strategic Projects and Public Realm team: No objection.

- Kildare Fire Service: No objection, subject to 2no. conditions.
- Water Services Department: No objection, subject to 7 no. conditions.
- Environment Section: No objection, subject to 5 no. conditions.
- Transport, Mobility and Open Spaces: No objection, subject to 17no. conditions.
- Environmental Health Officer: No objection.

### 3.3. Prescribed Bodies

3.3.1. The following Prescribed Bodies submitted reports:

- Irish Water: No objection and notes 3no. observations.
- Department of Housing, Local Government and Heritage: No further archaeological mitigation is required.
- National Transport Authority: Recommends ensuring the development integrates with the existing schools, the provision of a cycle path in phase 1 from the roundabout into the school campus to the cycle parking and in phase 2 from the Distributor Road into the school campus and cycle parking. Recommends that crossing points are raised, that the set down areas are for buses only, that staff cycling and welfare facilities are provided, that all bicycle parking should be secure and covered.

### 3.4. Third Party Observations

3.4.1. Two observations were received by the Planning Authority after the application was lodged. One observation was received by the Planning Authority following the submission of Further Information. The issues raised in the observations are covered in the grounds of appeal.

## 4.0 Planning History

### 4.1. Relevant Planning History on the Subject Site

- 4.1.1. **2460214**: Single storey preschool to the rear of the Gaelscoil. 2024 **Grant**.
- 4.1.2. **211587**: Construction of a pre-school building at Gaelscoil Mhic Aodha. 2022 **Grant**.
- 4.1.3. **1613**: New school building for Gaelscoil Mhic Aodha. 2016 **Grant**.

- 4.1.4. **ABP Ref. PL 09.243089 & Planning Authority Ref. 13635:** 2 no. storey national school. 2014 **Grant**.
- 4.2. **Relevant Planning History on the Wider Landholding**
- 4.2.1. **24290:** Extension of duration of ABP Ref. 305007 for the construction of 375 no. residential units and a neighbourhood centre. 2024 **Grant**.
- 4.2.2. **ABP Ref. 305007-19 & Planning Authority Ref. 19305007:** Construction of 375 no. residential units and a neighbourhood centre. 2019 **Grant**.
- 4.2.3. **18273:** Construction of a discount food store. 2019 **Grant**.
- 4.2.4. **ABP Ref. 303141-18 & Planning Authority Ref. 18149:** Construction of a Cancer Treatment Clinic. 2019 **Grant**.
- 4.2.5. **ABP Ref. 301371-18 & Planning Authority Ref. 18301371:** Construction of 264 no. residential units and neighbourhood centre. 2018 **Refusal**. Refused for 2 no. reasons including the failure to provide a variety of unit types and the failure to provide a high enough density.

## 5.0 Policy Context

### 5.1. Kildare County Development Plan 2023 – 2029

#### Transport

- 5.1.1. Policy TM P8: *Ensure that streets and roads within the county are designed to balance placemaking and movement to prioritise sustainable modes of transport and to provide a safe traffic calmed street environment in accordance with the principles set out in the Design Manual for Urban Roads and Streets (2019) while meeting the needs of road users of all ages and abilities.*

#### Community Infrastructure

- 5.1.2. Policy SC 07: *Support and encourage the clustering of community facilities such as community centres, with a priority towards community and youth facilities, sports and leisure facilities, schools, childcare facilities, facilities for older persons, and open spaces to create multi-purpose community hubs.*

- 5.1.3. Policy SC 067: *Support the Department of Education's School Building Programme by actively identifying sites for primary and post primary schools at suitable locations, based on forecast need, subject to AA screening and where applicable, Stage 2 AA.*
- 5.1.4. Policy SC 068: *Ensure designated sites/new schools are located and designed to promote walking, cycling and the use of public transport. Permeability links and infrastructure should be provided within school sites at design stage to promote sustainable travel. Permeability to adjacent residential areas must be facilitated wherever possible.*
- 5.1.5. Policy SC 069: *Support the aims of the 'Safe Routes to School Design Guide' by ensuring school development proposals incorporate the principles outlined in the guide and contain sustainable travel plans with appropriate and implementable measures.*
- 5.1.6. Policy SC 073: *Promote the clustering of education related services and facilities proximate to existing/planned community, recreation, sporting, and childcare facilities that are linked to cycle/pedestrian infrastructure.*

### **Development Management**

- 5.1.7. Section 15.7.4 states the following in relation to the road and street network:

*"The principles, approaches and standards set out in the Design Manual for Urban Roads and Streets (2019) apply to the design of all urban roads and streets (with a speed limit of 60 km/h or less), except national roads and in exceptional circumstances, certain urban roads and streets with the written consent of the relevant Authority.*

- The standards set out in the TII publication DN-GEO-03031 Rural Road Link Design (2017) applies to Single and Dual Carriageway roads (including Motorways) in rural areas. It also applies to single carriageway Urban Relief Roads and Urban Dual Carriageways and Motorways.*
- The Council requires the submission of a Traffic and Transport Assessment (TTA) as part of planning applications for larger developments, as outlined in Table 15.6 below, in accordance with the TII publication PE-PDV-02045 Traffic and Transport Assessment Guidelines (2014). These guidelines advise that applicants should*

*consult with the Transportation Department of the Council prior to submission of an application.”*

## **5.2. Kildare Town Local Area Plan 2023 – 2029**

- 5.2.1. The site is zoned T – Mixed Use, with the objective *“to provide for commercial, education, residential and community uses”* in the *Kildare Town LAP*.
- 5.2.2. There is a specific objective on the Former Magee Barracks site which states that *“the future development of this Settlement Consolidation Site shall have regard to the Urban Design Framework prepared for the site”*.
- 5.2.3. Section 6.5.1.1 states that *“the existing post-primary school in the town is at capacity at present at 98%. Approximately 159 additional places will be required over the Plan period. The Department of Education has made the decision to replace and expand the Curragh Post-Primary school with a new 1,000 pupil school to cater for demand in the Kildare and Newbridge school planning areas. The site identified for this school is within the Former Magee Barracks site adjacent to the two existing primary schools. This school will address the additional places required over the plan period.”*
- 5.2.4. Objective HCO 3.1 states *“support and facilitate new facilities and improvements / expansion of existing educational, including third level and further educational opportunities which may arise, early learning, childcare and healthcare facilities, at appropriate locations in Kildare Town, and encourage the co-location of childcare with educational uses.”*
- 5.2.5. Objective HCO 3.4 states *“actively work with the Department of Education in the successful delivery of a new post-primary school on the Former Magee Barracks site which is in accordance with the Design Framework for the site as detailed in Section 11.1.”*

### **Permeability**

- 5.2.6. Table 7.1 sets out the following permeability measures for the site:

<b>Ref. No.</b>	<b>Measure</b>	<b>Delivery Timeframe</b>
Perm 18	Phase 1 of the Former Magee Barracks internal road network	Medium-term

Perm 19	Phase 2 of the Former Magee Barracks internal road network	Long-term
Perm 20	Creation of pedestrian / cyclist link connecting Curragh Plains, Coolaghknock Green and Melitta Park to Phase 2 of the Former Magee Barracks internal road network	Long-term - linked to development of Magee Barracks Phase 2
Perm 21	Pedestrian links delivered as part of Phase 1 of the Former Magee Barracks redevelopment	Medium-term
Perm 22	Creation of pedestrian / cyclist link connecting Phase 1 of Former Magee Barracks internal roads to Schools	Medium-term-linked to Phase 1 of Magee Barracks Road

5.2.7. Table 7-2 sets out the following cycling measures for the site (as shown on Map 7.2):

Ref. No.	Description	Proposed Link Type	Proposed Timeframe
Cycle 29	Former Magee Barracks Phase 1	Cycle track/ cycle lane (part of road scheme)	Medium-term
Cycle 30	Former Magee Barracks Phase 2	Cycle track/ cycle lane (part of road scheme)	Long-term

5.2.8. Objective MTO 1.1: *“Support and promote the use of sustainable active transport modes in Kildare Town and seek to implement a connected network of walking and cycling infrastructure in the town as detailed in Table 7-1 and 7-2 and illustrated on Map 7.1 and 7.2. in conjunction with the National Transport Authority, Transport Infrastructure Ireland, other statutory agencies, and relevant stakeholders (where applicable). The indicative measures will form the basis for individual projects, when*

*the detailed design will be configured, and each project will be subjected to rigorous analysis, including environmental / ecological assessment, where applicable, to ensure that they are the most suitable option at the particular location. All measures will be designed in accordance with a public realm palette devised for the town by the Council's Strategic Projects and Public Realm team and shall incorporate nature-based surface water management as a solution for surface water management."*

5.2.9. Objective MTO 1.4: *"Ensure that all development allows for connectivity (pedestrian, and cyclist) to adjacent lands in accordance with the National Transport Authority's Permeability Best Practice Guide (2015) or any updated version of same."*

5.2.10. Objective MTO 1.5: *"Ensure new developments are permeable for walking and cycling and seek the retrospective implementation of walking and cycling facilities in existing neighbourhoods, where possible, in order to give competitive advantage to sustainable mobility."*

5.2.11. Objective MTO 1.6: *Ensure attractive walking and cycling routes are a fundamental element of the redevelopment of the Former Magee Barracks in conjunction with the measures detailed in Table 7-1 and 7-2 and illustrated on Map 7.1 and 7.2."*

## **Roads**

5.2.12. Table 7-4 includes the following road objective:

<b>Ref. No.</b>	<b>Short Description</b>	<b>Delivery Timescale</b>
RD3	Closure of Bride Street section of Market Square to vehicular traffic (linked to development of the Former Magee Barracks Road and the Northern Link Street).	Medium to long term

5.2.13. Section 7.5 contains the following table:

<b>Previously Approved Measures</b>		
PA1	Phase 1 of the Former Magee Barracks Roads	Developer led

PA4	Phase 2 of the Former Magee Barracks Road	Developer led
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5.2.14. Section 11.1 deals with the Former Magee Barracks Settlement Consolidation Site and contains the Design Framework in figure 11-2. The Design Framework is included with my site photographs from my site inspection.

5.2.15. Table 11-2 sets out the “*Implementation and Delivery Schedule Residential Lands*” for the Former Magee Barracks Settlement Consolidation Site:

Infrastructure	Delivery Schedule	Funding Source
<b>Movement and Transportation</b>		
Phase 1 of Former Magee Barracks Road	In tandem with new development	Developer led
Phase 2 of Former Magee Barracks Road	In tandem with new development	Developer led
Improve active travel infrastructure to the town centre	In tandem with new development	Developer led
Within phase 2 filtered permeability with Melitta Park and Ruanbeg Estate	In tandem with new development	Developer led, KCC
<b>Education</b>		
Post-primary school		Dept of Education

### 5.3. Kildare County Council Development Contribution Scheme 2023-2029

5.3.1. Section 10.7 states that “*school and education facilities shall be exempt from contributions except in the case of fee-paying schools.*”

### 5.4. Climate Action Plan 2024

5.4.1. Section 15.2.5 – Improve, sets out targets for the reduction in the private car for journeys to schools.

### 5.5. National Biodiversity Action Plan 2023 – 2030



- 5.5.1. Objective three which seeks to secure nature's contribution to people identifies the importance of the planning system in safeguarding biodiversity. It states that *"there are opportunities to deliver for biodiversity in the assessment of new planning applications, as well as the application of best-practice principles for urban design and landscape management, such as green infrastructure and nature-based solutions."*

**5.6. National Transport Authority – Safe Routes to School Design Guide**

- 5.6.1. Section 2.2 sets out design considerations for walking and cycling routes to schools.
- 5.6.2. Section 2.3 provides details on how to improve junctions near schools.
- 5.6.3. Section 3 details design solutions for the front of school environments.

**5.7. Office of the Planning Regulator - Guidance Note on Planning Conditions**

- 5.7.1. Section 3.8 relates to conditions requiring development on lands outside the control of the applicant.

**5.8. Natural Heritage Designations**

- 5.8.1. The site is positioned approximately 0.6 km to the south-west of the Curragh Proposed Natural Heritage Area (site code: 000392).
- 5.8.2. The site is positioned approximately 4km to the south-west of the Pollardstown Fen Special Area of Conservation (site code: 000396).
- 5.8.3. The site is positioned approximately 6.6km to the south-west of Mouds Bog Special Area of Conservation (site code: 002331).

**5.9. EIA Screening**

- 5.9.1. See completed Forms 1 and 2 in Appendix 1.
- 5.9.2. Having regard to the limited nature and scale of the proposed development in a serviced urban area and the absence of any connectivity to any sensitive location, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001 (as amended). I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### Third Party Appeals

- 6.1.1. Two Third-Party appeals have been lodged. The first Third-Party appeal was lodged by Keith McGannon of no. 14 St. Barbara's Park. No. 14 St. Barbara's Park is located to the west of the access road. The second Third-Party appeal was lodged by Stephen and Lisa O'Sullivan of Woodside on Melitta Road. Woodside on Melitta Road is located to the east of the access road. The grounds of appeal can be summarised as follows:

#### *Depreciation in Value of Property*

- Concerns that the access road will reduce the privacy of the dwelling known as Woodside which will impact the appeal of the dwelling to future buyers.

#### *Privacy and Security*

- The Third-Parties have contended that the road will increase the footfall of traffic which will impact their privacy and create the potential for anti-social behaviour, vandalism and trespassing.

#### *Traffic*

- There are concerns regarding an increased level of traffic and parking.
- Concern regarding the provision of an uncontrolled crossing outside no. 14 St Barbara's Park. This will result in there being no space for parking outside no. 14 St. Barbara's Park. There are also no traffic calming measures outside St. Barbara's Park.
- Concern that the development will result in the parking of cars along Melitta Road which will impact the residents of Woodside when entering and exiting their property.

#### *Ecological Impact*

- The development will have an impact on local wildlife.

#### *Impact on the Environment*

- The development will impact the quality of life through increased noise, pollution and dust.
- The subject site has been untouched for 80 no. years and that the proposed development will change the landscape.

#### *Construction*

- Concern about the construction process and the operation of the school. It is stated that building work commenced on the site. Photographs have been included which identify rock trucks and excavators on site.

#### *Planning Application*

- There are some major flaws in the planning application.

#### First-Party Appeal

6.1.2. The First-Party has appealed condition nos. 6 and 15 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission.

6.1.3. The First-Party has requested that condition no. 6 is removed. Condition no. 6 is as follows:

*"Prior to the commencement of phase 2, the Developer shall ensure that the entire Roads Objective linking the Melitta Road with the Dublin Road and the full permeability link for all road users into the Ruanbeg Estate is fully designed with the written agreement of the Planning Authority. The Roads Objective will link the school campus to Melitta Road, Ruanbeg Estate and the Large/ Strategic Housing Development to the south, with a stretch currently being constructed under Planning Grant Ref 19-305007, at the Magee Barracks Site. The Road is required to assist in the delivery of the following Movement Objectives identified in the Kildare Local Area Plan- Permeability 18, 19, 20, 21& 22 Cycle 29 &30, Road PA1.*

*Reason: To cater for the increased number of trips and avoid obstruction of the town centre by school and construction traffic."*

6.1.4. The First-Party has requested that condition no. 15 is either omitted or amended. Condition no. 15 is as follows:

*"Prior to the occupancy of phase 1, the Developer shall submit design details on the opening of filtered permeability links for the written agreement of the Planning*

*Authority. Initially the priority filtered permeability link(s), for walking and cycling, with Ruanbeg Estate, is envisaged to facilitate Active Travel to Phase 1. This has been identified in the Developer's TTA as a solution to link to housing estates and assist in a modal shift. The Developer is requested to note that sections of Ruanbeg have been taken in charge by Kildare County Council, on the 20/01/2016. The Developer shall cooperate with future initiatives by Kildare County Council and neighbouring Developers. Ideally, the filtered permeability should be 24 hours 7 days per week, but consideration should be given to security to the remainder of the campus, during Phase 1, and the Developer may wish to propose pedestrian and cycle access during school business hours only, through some form of gated entrance and associated time signage. In the detailed solution, the Developer shall consider the following: personal security; legibility; quality of the environment, maintenance, public lighting, footpath landscape, materials, boundary treatment and passive surveillance. The Developer shall prepare a drawing showing that gradients, horizontal alignments, and Sightlines are compliant with relevant design codes such as the Cycle Design Manual / Design Manual for Urban Roads and Streets.*

*Reason: To facilitate Active Travel by students to Phase 1 of the school."*

6.1.5. The grounds of the First-Party appeal can be summarised as follows:

*Reason for the Development*

- The proposed development is urgently required to serve the Kildare, Newbridge and Curragh school planning areas.

*Construction*

- It is proposed to deliver the development in 2 no. consecutive construction phases.
- The application initially proposed to provide a temporary access to the site from the existing access road extending from Melitta Road and serving Kildare Educate Together School and Gaelscoil Mhic Aodha with the main access provided in phase 2. This was modified at Further Information stage to provide the main access including the provision of the 135m link road from Melitta Road to the school as part of phase 1 works. It was proposed that a

service access entrance would still be maintained from the shared access road to the south.

*Condition no. 6*

- Condition no. 6 should be omitted. It implies that the permission for the school is dependent on the design of the roads objectives linking the Melitta Road with the Dublin Road, including full permeability with the Ruanbeg estate for the reasons set out in the Movement Objectives in the *Kildare Town Local Area Plan 2023 – 2029* (herein referred to as the *Kildare Town LAP*). The development of the school is not reliant on the full design of the road.
- Condition no. 6 is derived from an unreasonable interpretation of the movement objectives in the *Kildare Town LAP*. It is stated that the interpretation goes beyond the ordinary meaning.
- The First-Party requests that the Board limit its consideration to planning condition nos. 6 and 15.
- The development provides for the construction of the road that will link the school campus to Melitta Road. The development also includes a number of off-campus infrastructure solutions, including junction signalisation upgrade at the Melitta Road Junction and the Mondello Junction. These measures will provide traffic management improvements for Kildare Town prior to the full link road being constructed.
- The First-Party accepts that the construction of the remaining portion of the link road, from the school to the Dublin Road will improve local accessibility. The proposed development does not compromise the delivery of the remainder of the link road.
- There are no objectives in the *Kildare Town LAP* which implies any requirement to provide any additional road beyond the requirements of the development to link the school campus to the Ruanbeg estate and the Large Strategic Housing Development (SHD) to the south. As part of phase 1, pedestrian and cycle connections will be provided to the southern boundary which will offer direct connectivity with the SHD development through the Ruanbeg estate.

- The proposed layout is identical to Figure 11-2 of the *Kildare Town LAP*.
- Table 7-1 of the *Kildare Town LAP* states that the provision of the phase 2 Former Magee Barracks internal road is a long-term objective. Long term is defined as 6-10 years. The *Kildare Town Transport Strategy* refers to the “Phase 2 Magee Barracks” under the “2035 Do minimum Network”. While table 7-1 suggests that the “long” term roads are to be developer led, it is reasonable to assume that the intended delivery would be through development contributions and or special development contributions.
- Table 11-2 of the *Kildare Town LAP* which sets out the delivery schedule and responsibilities for the Former Magee Barracks – Settlement Consolidation Site. Under “Education” infrastructure, the funding source is the “Dept of Education”. The Department of Education is not assigned any funding responsibility for the delivery of any “Movement and Transportation” objectives, which are assigned to either “Developer” and/or “KCC”, meaning Kildare County Council.
- There is no basis for the stated reason for Condition no. 6. The *Traffic Transport Assessment* (herein referred to as the *TTA*) concluded that the development will have a marginal impact on the surrounding road network.
- The First-Party states that condition no. 6 provides no function “to further regulate or modify the proposal to make it acceptable” as set out in the *Guidance Note on Planning Conditions*, produced by the Office of the Public Regulator (herein referred to as the *OPR*).
- Condition no. 6 is undeliverable as it requires the development of land outside the applicant’s ownership. Section 3.8 from the *OPR’s Guidance Note* states that conditions requiring development to be completed on land outside the control of the applicant should not be imposed. The applicant highlights that the off-site junction improvement works are situated on Council lands.

#### *Condition no. 15*

- Condition no. 15 is unnecessary as information was submitted at Further Information stage which identified and provided for permeability links.

- Condition no. 15 is impractical as the applicant has no way of knowing what future initiatives of KCC and neighbouring developers include.
- The First-Party states that it has no objection to providing future pedestrian and cycle connectivity to the school. It is suggested that condition no. 15 is either omitted or re-worded as follows: *“Subject to the development of surrounding lands to the east of the proposed school, the applicant shall consider the provision of future pedestrian/ cycle access points along its perimeter where it considers practical to do so and where it can tie in with existing internal school pathways.”*

## 6.2. Applicant Response

6.2.1. The applicant’s response to the 2 no. Third-Party appeals can be summarised as follows:

- Principle of Development
  - The applicant welcomes the fact that the appeal by Stephen and Lisa O’Sullivan does not object to the principle of constructing a post-primary school on the site.
- Road Design
  - The school access road through to Melitta Road is a specific “*transport and movement*” objective in Map 7.4 in the *Kildare Town LAP*.
  - The school access arrangement has been designed in accordance with road design requirements.
  - A yellow box junction has been designed on the new school access road immediately in front of the modified access point to St. Barbara’s Park.
  - A footpath and cycle lane are proposed from the Melitta Road junction extending along the new school access road which link with St. Barbara’s Park junction with the inclusion of dished kerbing and a stop sign. This will result in the loss of the hammer head configuration and will not impact any formal vehicular parking or private amenity space for no. 14 St. Barbara’s Park.

- The traffic flows were assessed as part of the TTA. The road design has been subject to a Road Safety Audit.
- The development will not give rise to adverse effects on the amenity or security of no. 14 St. Barbara's Park.
- There is a separation buffer along the southern side boundary of the Woodside property and the access road.
- A dedicated cycle lane is proposed to pass along the front of the Woodside property, in accordance with active travel road design.
- A yellow box junction is proposed outside the Woodside property. The First-Party notes that this is not raised in their grounds of appeal.
- Depreciation in Value of Property
  - The development will not reduce the privacy of the Woodside dwelling, nor will it present opportunities for loitering, vandalism or trespassing.
- Ecological Impact
  - There is no material basis to suggest that the development will have a detrimental effect on local wildlife or on local biodiversity within the Woodside property given the absence of any designated feature of flora or fauna value.
- Construction
  - A construction programme will be followed, and the site will be secured with hoarding.
  - Construction access will be via St. Barbara's Park. A full time Gatesman and Flagsman will be appointed, and the contractor will avoid rush hour periods for deliveries.
  - No parking will be permitted outside the site compound.
  - The Contractor will consider a designated neighbourhood liaison officer.

### **6.3. Planning Authority Response to the 3<sup>rd</sup> Party Appeals**

- 6.3.1. The Planning Authority's response to the response to the Third-Parties grounds of appeal can be summarised as follows:



- School Site
  - The current location of Curragh Community College, which is proposed to relocate to the subject site is between 7.8km and 9km from the subject site.
  - There is currently 1 no. post-primary school in Kildare Town with 1,000 places which is operating at 98% capacity level.
- Road Design and Delivery
  - The provision of filtered permeability has been conditioned under condition no. 15, to be delivered in the proposals for phase 1 which should help reduce traffic movements on the Melitta Road and access to St. Barbara's Park.
  - Condition no. 9 requires the upgrade of the Melitta Road and Station Road junction. This will assist in preventing further traffic delays.
  - The development has been conditioned under condition no. 8 to provide a new signalised access onto the Melitta Road. This will help alleviate current issues at the existing primary school campus.
  - The provision of additional parking facilities in the development will help alleviate issues in the existing school campus.
  - Condition no. 16 requires a Road Safety Audit Stage 3.

#### 6.4. Planning Authority Response to the 1<sup>st</sup> Party Appeal

6.4.1. In addition to the points highlighted above which were made in response to the Third-Parties, the Planning Authority's response to the First-Party's grounds of appeal can be summarised as follows:

- Road Design and Delivery
  - *The Kildare Town Transport Strategy (2022)* acknowledges that the Magee Barracks Phase 1 and Phase 2 roads are key piece of infrastructure for the transport network of the town. The roads will provide a bypass of the town and will facilitate the closure of the Bride Street section of Market Square to vehicular traffic.

- The distributor road will have to be completed in phase 2 with full permeability into the Ruanbeg Estate and the section of the distributor road being constructed by Ballymount Properties under **ref. 19-305007** at the Magee Barracks site.
  - There should be a joined-up approach for funding the permeability links and the distributor road between KCC, The Department of Education and Ballymount Homes.
  - “*Developer led*” in the *Kildare Town LAP* means delivered by any party that is not KCC.
  - The identification of the delivery of the road as a long-term objective relates to the fact that it is developer led and outside the control of KCC. It is expected that the entirety of the road is delivered. This was highlighted at pre-planning meetings.
  - The Department of Education has acquired land for the school from Ballymount Homes and therefore further land could be acquired.
- Traffic Transport Assessment (TTA) and Mobility Management Plan (MMP)
    - The *TTA* and *MMP* do not reference the *Kildare Town LAP* or *The Kildare Town Transport Strategy*.
    - The *TTA* identified that 100% of the staff drive to school and 97% of the school population access the school by car/ bus.
    - The *TTA* and *MMP* did not examine the impact Market Square Area.
    - The modelling identifies significant congestion at the school access unless targeted modal splits are implemented. The targets appear to be unrealistic.
  - Reasoning for Condition no. 15
    - The provision of filtered permeability into the Ruanbeg estate in phase 1 will help to reduce traffic movements.

- Condition no. 15 states that filtered permeability to the Ruanbeg estate for pedestrians and cyclists is to be delivered in phase 1. There is currently no permeability between the schools and the Ruanbeg estate.
- Full permeability is to be designed and delivered under phase 2 from the Ruanbeg estate to the subject site under condition no. 6.

## **6.5. Observations**

6.5.1. None.

## **7.0 Assessment**

7.1. The First-Party has requested that this appeal is confined to conditions nos. 6 and 15 as attached to the Planning Authority's Notification of the Decision to Grant Planning Permission. Condition no. 6 relates to the design of the road objective between Melitta Road and the Dublin Road. Condition no. 15 requires the submission of design details on the opening of filtered permeability links. However, given that two Third-Party appeals have been submitted, I do not consider that this approach would be appropriate in this instance, and I will instead address the appeal de-novo.

7.2. Having examined the application details and all other documentation on file, including 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/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning
- Justification for the Development of the School
- Design
- Impact on Amenities
- Road Objective
- Traffic
- Permeability
- Construction

- Other Matters

### 7.3. Zoning

- 7.3.1. The appeal lands are zoned objective E – Community and Education and objective T – Mixed Use in the *Kildare Town LAP*. The Community and Education zoning has the objective “*to provide for education, recreation, community and health.*” The Mixed-Use zoning has the objective “*to provide for commercial, educational, residential and community uses*”. There is a specific objective for the subject site in the *Kildare Town LAP* which states that future development of the site shall have regard to the Urban Design Framework prepared for the site. A school is acceptable in principle under both the E and T zoning objectives.
- 7.3.2. Generally, the principle of constructing a school on the site is acceptable under the zoning objectives of the site. However, the Design Framework for the site, as set out in the *Kildare Town LAP*, has a number of transport objectives which also must be examined. As such, there are a number of other considerations which must be examined, and these are addressed below.

### 7.4. Justification for the Development of School

- 7.4.1. One of the Third-Parties raises concerns that the development will impact the existing undeveloped landscape of the site.
- 7.4.2. The *Kildare Town LAP* identifies that there is currently 1 no. post-primary school in Kildare Town, known as the Kildare Town Community School. I note that it is currently operating at a capacity rate of 98%. The subject application seeks to relocate and expand the Curragh Post-Primary School from Curragh to the subject site, with the provision of 1,000 school places.
- 7.4.3. As noted above, the *Kildare Town LAP* contains objective HCO 3.4 which outlines the need to deliver a new post-primary school on the Former Magee Barracks. I also note the Design Framework for the site as shown in figure 11-2 in the *Kildare Town LAP* which identifies the location of a post-primary school and a local street on the subject site.
- 7.4.4. Having regard to objective HCO 3.4 and the Design Framework for the site in the *Kildare Town LAP*, in addition to the proposed design, I consider that the delivery of the post-primary school and associated infrastructure on the site is in accordance

with the *Kildare Town LAP* and is acceptable, subject to a number of other criteria which will be discussed in the following sections of the report.

- 7.4.5. Furthermore, I note the site's urban location, on a Settlement Consolidation Site and within the town boundary. As such, whilst I understand the concerns raised by the appellant regarding the undeveloped nature of the site, I consider that it would be unreasonable to refuse the application on this basis.

## **7.5. Design**

- 7.5.1. The development seeks to construct a new two storey, 37 no. classroom post-primary school and associated facilities. Having regard to the layout of the school, the proposed materials, sporting facilities and associated landscaping and boundary treatments, I am satisfied that the development will deliver a high-quality scheme, that has been suitably designed for the subject site.

## **7.6. Impact on Amenities**

### Privacy

- 7.6.1. The appellants are concerned that the proposed development will negatively impact their privacy. Having regard to the positioning of the school on the site in relation to the appellants properties, I do not consider that the proposed development will result in overlooking.
- 7.6.2. With regards to the positioning of the proposed access road and associated footpaths and signage, I note its location in proximity to no. 14 St. Barbara's Park and Woodside. I also note the applicant's response that the positioning of the road accords with Map no. 7.4 – *Movement and Transportation Road Measures*, in the *Kildare Town LAP*. I accept that the access road will alter the immediate environment of the dwellings belonging to the appellants and that it will increase the footfall in proximity to their properties. However, having regard to the proposed separation distances, existing and proposed landscaping, the design of the road and the movement objectives in the *Kildare Town LAP*, I am satisfied that the proposed development would not have an adverse impact on the privacy of the adjacent properties.

### Visual Amenities

- 7.6.3. One of the appellants is concerned that the development will alter the landscape. I accept that the proposed development will alter the landscape of the site. However, having regard to the positioning of the school within the site and set back from Melitta Road, the materials and height of the building, I am satisfied that the development is unlikely to have an adverse impact on the visual amenities of the area.

#### Anti-Social Behaviour

- 7.6.4. The Third-Parties state that the proposed development will create the potential for anti-social behaviour and trespassing. I accept that the proposed development will increase activity in proximity to the properties of the Third-Parties. However, I do not consider that this warrants a refusal of the development, as an increase in activity would be expected in association with a school. Furthermore, the *Kildare Town LAP* has identified the subject site as the location for a post-primary school. As such, having regard to the existing and proposed boundary treatments, landscaping and separation distances, I am satisfied that the development is unlikely to result in trespassing on to the properties of Third-Parties or onto the subject site during out of hours.

#### Parking

- 7.6.5. The Third-Parties have raised concerns regarding an increased level of traffic and parking of cars in adjacent housing estates.
- 7.6.6. The applicant proposes to deliver the new junction with Melitta Road and the new car park as part of phase 1 of the development. I consider that this phasing of development will help in reducing traffic impacts on the 2 no. adjacent schools and existing residential developments.
- 7.6.7. One of the Third-Parties is also concerned about the road design at the entrance to St. Barbara's Park. I note that the road layout at the junction with Melitta Road and St. Barbara's Park provides for a yellow box to facilitate residents in St. Barbara's Park. I also note the proposed provision of a stop sign at St. Barbara's Park, traffic signals and the road design at the junction with Melitta Road. I am therefore satisfied that adequate traffic calming measures are proposed and that the development is unlikely to create traffic hazards.

- 7.6.8. I note that one of the Third-Party's is concerned that as result of the proposed development, they will be unable to park a car outside their property at no. 14 St. Barbara's Park. I note however that the parking space which the appellant is referencing is located on the public road, where there is no legal entitlement to a parking space in this instance. I also note that no. 14 St. Barbara's Park is served by a driveway which facilitates parking spaces. As such, I do not consider this to be a reason to refuse the proposed development.
- 7.6.9. One of the Third-Parties is concerned about the potential for cars to park along Melitta Road, thereby making it difficult for the residents of Woodside to enter and exit their property. Whilst I understand the appellant's concerns, I note that phase 2 of the development provides for a set-down area within the grounds of the school. I therefore consider that the provision of 92 no. parking spaces and the set-down area on the site will provide suitable areas for parking associated with school collections and drop-offs.

### Conclusion

- 7.6.10. To conclude I do not consider that the proposed development will have an adverse impact on the amenities of local residents.

## **7.7. Road Objective**

### Phasing

- 7.7.1. The First-Party has appealed condition no. 6 in the Notification of Decision to Grant Permission which relates to the design of the road objective and permeability links. The full wording of condition no. 6 is included above in section 3.1.3. I am satisfied that the intention of the condition is to ensure that phase 2 of the school cannot commence until the design of the entire road objective and linkages with the Ruanbeg Estate have been agreed with the Planning Authority.
- 7.7.2. Notwithstanding the wording of condition no. 6 which relates to the design of the road, I note the Planning Authority's contradictory response to the First-Party appeal. In the Planning Authority's response to the First-Party appeal, they outlined the requirement that the entirety of the road is delivered, and that full permeability is to

be designed and delivered under phase 2 from the Ruanbeg estate to the subject site.

- 7.7.3. I also note the permeability measures set out in the *Kildare Town LAP* for the Former Magee Barracks site in relation to roads, pedestrian and cycle connections. I note that the measures are divided into 2 no. phases. Phase 1 is for the south-western portion of the site where the current residential development under ABP reference no. **305007-19** is under construction. I note that phase 2 works are identified for the portion of the road linking Melitta Road to the Ruanbeg estate. I further note that the subject site only constitutes a portion of the remaining phase 2 land.
- 7.7.4. It is of relevance to note that permeability measures Perm 19 and 20 and Cycle 30 in the *Kildare Town LAP* refers to the delivery of the phase 2 road, pedestrian and cycle linkages as long-term measures in the *Kildare Town LAP*.
- 7.7.5. Section 11.3 of the *Kildare Town LAP* identifies that long-term is between 6 – 10 years. The *Kildare Town LAP* is from 2023 – 2029. It is therefore reasonable to assume that the intention of the *Kildare Town LAP* is to identify that permeability measures are likely to be delivered both during and beyond the life of the plan. Noting the quantum of land in phase 2, the different land uses identified in the Framework Plan and the different stakeholders involved, I therefore consider the requirement for the applicant to design these permeability measures beyond the site boundary to be unreasonable. I consider this to be unreasonable because the applicant has no legal interest in this land and considering the nature of the applicant, which is the Department of Education, whose purpose is to deliver educational facilities, which in this instance is the school. This will be discussed in greater detail in the sections below.

#### Delivery Schedule and Responsibilities

- 7.7.6. The First-Party references table 11-2 in the *Kildare Town LAP*, which is titled “*Implementation and Delivery Schedule Residential Lands*”. I note that the Department of Education are specifically identified as the funding source for education infrastructure. The First-Party contends that the Department of Education is not assigned any funding responsibility for the movement and transportation objectives and that these are assigned to either the Developer and or KCC. In response, the Planning Authority has stated that “*Developer Led*” means that it is



delivered by any party that is not KCC. However, it is important to note that table 11-2 sets out the “*implementation and delivery schedule for residential lands*”. As such, I consider that it is logical to conclude that phases 1 and 2 of the road should be delivered by the Developer of the residential land.

7.7.7. I also note that table 11-2 identifies that the phase 2 works are to be delivered in tandem with new development. Whilst the subject application does not provide any residential development on the remainder of the former Magee Barracks site, a portion of the phase 2 road is required to access the school. As such, I consider that the delivery of 135m of the access road alongside the delivery of the post-primary school is acceptable and in accordance with the *Kildare Town LAP*.

7.7.8. As outlined above in the grounds of appeal, the First-Party states that while table 7-1 suggests that the “*long*” term roads are to be developer led, the First-Party considers that it is reasonable to assume that the intended delivery would be through development contributions and or special development contributions. Should the Board be minded to Grant Planning Permission, I note that KCC’s *Development Contribution Scheme 2023-2029* states that education facilities shall be exempt from contributions.

#### Condition No. 6

7.7.9. The First-Party contends that condition no. 6 is undeliverable as it requires the design of development on land outside the control of the applicant. The First-Party has referenced the *Guidance Note on Planning Conditions*, produced by the OPR. The First-Party draws attention to section 3.8 in the *Guidance Note on Planning Conditions* which states that conditions requiring development to be completed on land outside the control of the applicant should not be imposed.

7.7.10. I note in the Planning Authority’s Response to the First-Party Appeal, they specifically state that the distributor road will have to be completed in phase 2 of the development with full permeability into the Ruanbeg Estate for all road users to tie into the section of the distributor road currently being constructed by Ballymount Properties. The Planning Authority’s Response to the First-Party Appeal also references how condition no. 6 relates to the design of the remainder of the distributor road. It is therefore evident from the response from KCC that there is an element of confusion, with the response stating that the remainder of the road should

be delivered, whilst the condition solely references the design of the road. From my analysis of condition no. 6, I note that it does not require the remainder of the road to be delivered. The wording of condition no. 6 requires the remainder of the road to be designed.

7.7.11. I am aware that the Planning Authority identified their concerns regarding the design and delivery of the road objective and associated permeability links at pre-planning meetings and in the Further Information request. Notwithstanding these actions, I do not consider that the inclusion of condition no. 6 is appropriate. Having regard to the fact that the applicant is not the owner of the land in question, the proposed permeability links and access points which have been designed along the perimeter of the subject site's boundary and objective HCO 3.4 in the *Kildare Town LAP*, I am satisfied that condition no. 6 is unreasonable. Furthermore, I consider that the design as proposed accords with Table 11-2, MTO 1.5, MTO 1.6, PERM 19, PERM 20 and Cycle 30 in the *Kildare Town LAP*. Should the Board consider granting planning permission, I recommend that no conditions are included which would result in the delivery of the school being dependent on the design of the full road and the permeability linkages.

#### Conclusion

7.7.12. I consider that the design and delivery of the phase 2 road and permeability linkages are to occur in tandem with new development, as set out in table 11-2 in the *Kildare Town LAP*. However, the subject application does not include all of the remaining former Magee Barracks land. As such, I consider that the design as proposed which facilitates permeability links and a portion of the road objective to provide access to the school is acceptable. I therefore consider that condition no. 6 is not required to make the development acceptable.

### **7.8. Traffic**

#### Traffic Impacts and Parking

7.8.1. A total of 92 no. car parking spaces are proposed to be delivered for the proposed school, of which 71 no. spaces will be delivered in phase 1. I note that the proposed parking provision seeks to provide 4 no. spaces in excess of the maximum parking standard set out in section 15.7.8 of the *Kildare CDP*. However, noting the size of the

school, the parking design and the school's location, I consider the parking provision to be acceptable.

- 7.8.2. I further note that the development would be provided with 356 no. bicycle parking spaces, of which 244 no. spaces would be provided in phase 1. I consider that the bicycle parking stands are easily located beside footpaths and the entrance gateways. I consider that the design, quantum and location of bicycle parking will encourage students and staff to cycle to school.
- 7.8.3. As noted above, the Planning Authority have highlighted concerns regarding the *TTA* and *MMP* prepared by the applicant in relation to the modal split targets and its reliance on permeability links. As highlighted above, I consider that there is no requirement for the proposed development to design the remainder of the road objective and additional permeability links which upon its delivery in tandem with the remaining residential land will further reduce congestion in Kildare Town.
- 7.8.4. I understand the concerns raised by KCC that the modal split targets are ambitious. In this instance I note that the *MMP* states that these targets are proposed to align with the *Climate Action Plan 2023*. Noting the *Climate Action Plan* and modal split targets set out in the *MMP*, I therefore consider that the *MMP* is acceptable and will assist in promoting active travel and reducing congestion.

#### Junction Arrangements

- 7.8.5. The applicant proposes upgrade works at the signalised junction between the Melitta Road and Station Road, known as the Mondello Junction. I understand the Third-Parties concerns that the proposed development will generate additional traffic. However, I consider that the proposed upgrade works will assist in the movement of traffic in the area. I note condition no. 9 requires that the upgrade works to the Melitta Road and Station Road junctions are completed prior to the occupancy of phase 1. Considering the importance of these upgrade works in relation to traffic management, I recommend that a similar condition is included should the Board consider granting planning permission.
- 7.8.6. I note the concerns raised by the Third-Parties in relation to the impact of the new school access/ Melitta Road signalised junction. However, I am satisfied that the proposed junction works at the entrance to the site will facilitate modes for active travel, which in turn will assist in the reduction of congestion in the area.

- 7.8.7. I note the contents of the Traffic and Transport Assessment Report and the associated impacts of the development on the road network. I also note that the development will have a marginal impact on the surrounding road network and that through the implementation of mitigation measures, the impact will be reduced to an acceptable level. Following my analysis of the documentation and inspection of the surrounding road network, I am satisfied that through the delivery of the permeability link to the residential land under construction to the south, achievement of the modal split targets, the upgrade works to the Melitta Road and Station Road junction, and the provision of the new school access road and its associated junction with Melitta Road, the impact of the development on the surrounding road network will be acceptable.

#### Conclusion

- 7.8.8. To conclude, I consider that the proposed design will result in a satisfactory road design and layout. I believe that the development is unlikely to endanger public safety by way of presenting a traffic hazard. Having regard to the findings in the Traffic and Transport Assessment Report and having inspected the site and the surrounding road network, I am satisfied that there will be sufficient capacity to cater for the quantum of traffic likely to be generated by the proposed development.

#### **7.9. Permeability**

- 7.9.1. The applicant identifies that they have been unable to gain third-party consent in order to design the remaining portion of the distributor road. The applicant highlights however that pedestrian and cycle connections can be provided into Ruanbeg Drive via the south-west corner of the subject site. The south-west corner of the subject site connects to the current residential development under ABP reference no. **305007-19** which is under construction and subsequently connects to the Ruanbeg Drive. I note condition no. 3 (b) ABP reference no. **305007-19** requires that phase B provides for connectivity to the school and to Ruanbeg. As such, I consider that the permeability proposed to Ruanbeg via the residential development currently under construction is acceptable and will assist in promoting a modal shift to more sustainable modes of transport.

#### Condition no. 15

- 7.9.2. I note the concerns raised by the First-Party in relation to the wording of condition no. 15 which they consider to be unnecessary and impractical. The full wording of condition no. 15 is included above in section 3.1.7. I am also aware of the Planning Authority's position regarding the importance of permeability links being delivered to the Ruanbeg estate.
- 7.9.3. As addressed above, I consider that the permeability proposed to Ruanbeg via the residential development currently under construction to the south-west is acceptable. I therefore consider that condition no. 15 is not required to make the development acceptable.
- 7.9.4. Furthermore, I consider the requirements stipulated under condition no. 15 to be open-ended by stating that the developer shall cooperate with the future initiatives by KCC and neighbouring Developers. I note the proposed gate in the south-western corner of the site, in addition to the gate proposed along the southern boundary which is identified as the "*Ruanbeg approach gateway bike parking*". Further access gates are proposed along eastern boundaries of the site. As such, I consider that the development has appropriately identified permeability links. I do however note the importance of the permeability link in the south-western corner of the site in order to provide access to the Ruanbeg estate. Should the Board be minded to grant planning permission, I recommend that the permeability link in the south-western corner of the site is constructed prior to the occupation of phase 1.
- 7.9.5. I note that the most southern cycling and pedestrian access point leading to the existing roundabout at Gaelscoil Mhic Aodha is not gated. This will provide unrestricted permeability between the Ruanbeg estate, the residential development to the south currently under construction, the 3 no. schools. I consider that this design is acceptable and sufficient to facilitate permeability until such time as the remainder of the road objective is delivered. Furthermore, I consider that the design as proposed will not compromise the security of the proposed school. Should the Board consider granting planning permission, I therefore consider that a condition similar to condition no. 15 is not required.

## 7.10. **Construction**

- 7.10.1. Concerns have been highlighted by the Third-Parties regarding the impact of construction works on adjacent properties. I note the First-Party's response to these

concerns which references construction programmes, the location of the construction access, the appointment of a gatesman and flagsman, parking facilities for construction workers and the potential appointment of a neighbourhood liaison officer.

7.10.2. In the Notification of Decision to Grant Planning Permission for the proposed development, KCC included condition nos. 14, 31, 32 and 34 in relation to a construction management plan, construction noise, dust emissions and construction hours respectively.

7.10.3. I accept that the proposed development will impact the Third-Parties properties during the construction period. However, I am satisfied that the construction impacts can be managed by way of conditions. Should the Board consider granting planning permission, I recommend that conditions in relation to a construction management plan, construction noise, dust emissions and construction hours are included.

7.10.4. The Third-Parties have raised concern that construction work has commenced on site. I note the photographs identifying the presence of construction vehicles on site which have been submitted. I am satisfied that at the time of my site inspection there was no evidence of construction work occurring on the site.

## **7.11. Other Matters**

### Devaluation of Neighbouring Property

7.11.1. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

### Ecology

7.11.2. The grounds of appeal refer to the impact of the development on local wildlife. The applicant submits that there is no material basis to suggest that the development will have a detrimental impact on local wildlife or local biodiversity given the absence of any designated feature of flora or fauna value.

7.11.3. I note the contents of the *Ecological Impact Assessment (EclA)* which has been submitted by the applicant. The *EclA* concludes that the development will have

neutral ecological effect. Having regard to the habitats present on site, the fauna which was recorded, the proposed mitigation measures and landscaping plans, I am satisfied that the overall ecological effect of the development is acceptable.

#### Flaws in the Application

- 7.11.4. One of the appellants states that there are flaws in the application. The grounds of appeal do not identify where these flaws exist. As no flaws have been specifically identified, I do not consider that it would be reasonable to refuse the application on this basis.

#### Conditions

- 7.11.5. I note that the Planning Authority has attached a significant number of conditions (34) in respect of the proposed development. Condition 18 and nos. 20 to 26, including, relate to surface water drainage. I consider that one condition is sufficient to deal with this matter.

### **8.0 AA Screening**

- 8.1. Having regard to the development proposed, being the construction of a post-primary school and associated infrastructure in a serviced urban area, I consider that no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects on a European site.

### **9.0 Recommendation**

- 9.1. I recommend that planning permission should be granted, subject to conditions as set out below.

### **10.0 Reasons and Considerations**

- 10.1. Having regard to the zoning provisions in the *Kildare Town Local Area Plan 2023 – 2029*, which include the delivery of a new post-primary school on the Former Magee Barracks site, and the location of the site adjacent to 2 no. schools and residential development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly injure the amenities of properties

in the vicinity of the site, would constitute a facility of value to the community, would not inhibit permeability to adjacent residential developments, would result in acceptable levels of traffic flows and would not endanger pedestrian, cyclist or traffic safety. The proposed development would, therefore, be in keeping with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the day of 13/09/2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Prior to the commencement of development, the Developer shall submit for the written agreement of the Planning Authority a phasing plan outlining the delivery of the new junction, 135m of the access road, new car park and the upgrade works to the Melitta Road and Station Road Junction as part of phase 1.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>Prior to the commencement of development:</p> <p>a) CBR tests shall be undertaken in accordance with Section 2.16 of the Department of Environment and Local Government <i>“Recommendations for Site Development Works for Housing Areas”</i> and as required to determine the subgrade strength under the proposed site access road. The results together with a suitable pavement design in accordance with TII document DN-PAV-03021</p>



	<p>shall be submitted to Kildare County Council for written consent prior to the commencement of development.</p> <p>b) The Developer shall submit details for the written approval of the Planning Authority of the proposed construction and pavement materials to be used for pedestrian/ cycle facilities, roads and junction upgrading works, in curtilage parking spaces with permeable paving and on road parking spaces to include a bituminous paved finish or similar approved by the Planning Authority.</p> <p><b>Reason:</b> In the interests of proper planning and sustainable development and to ensure proper facilities for all road users and robust and durable construction materials.</p>
4.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>
5.	<p>The disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
6.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning</p>

	<p>authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>b) Location of areas for construction site offices and staff facilities;</li> <li>c) Details of site security fencing and hoardings;</li> <li>d) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> <li>f) Measures to obviate queuing of construction traffic on the adjoining road network;</li> <li>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</li> <li>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</li> </ul>

	<p>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;</p> <p><b>Reason:</b> In the interest of amenities, public health and safety and environmental protection.</p>
8.	<p>Site development works shall be confined to the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 14:00 on Saturdays. No site development works shall take place outside of these hours, or on Sundays or Public Holidays. Any alterations to these times shall be subject to the prior written consent of the Planning Authority.</p> <p><b>Reason:</b> To safeguard the environment and living conditions of the residents and businesses of the surrounding area.</p>
9.	<p>The following noise limits shall apply to construction activities: 70 dB(A) (LAeq 1 hour) between the hours of 08:00 and 18:00 Monday to Friday inclusive (excluding bank holidays) and between 09:00 and 14:00 on Saturdays when measured at any noise sensitive location in the vicinity of the site. Sound levels shall not exceed 45 dB(A) (LAeq 1 hour) at any other time following completion of the site development works.</p> <p><b>Reason:</b> In the interest of public health and the use of best practice guidelines in order to avoid pollution.</p>
10.	<p>The Developer shall use “Best Practicable Means” to prevent/ minimise noise and dust emissions during the construction phase of the</p>

	<p>development, through the provision and proper maintenance, use and operation of all machinery, all to the satisfaction of the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health and in order to avoid nuisance.</p>
11.	<p>a) All surface water generated on site shall be dealt with on site. No run-off shall be allowed on to the public road.</p> <p>b) The Developer shall be responsible for the proper design, construction and maintenance of all surface water drains installed as part of the proposed development including soak ways.</p> <p>c) No building material or plant shall be used or stored on the public footpath or road.</p> <p>d) All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>e) Any damage to the surrounding public road shall be made good to the satisfaction of the Planning Authority.</p> <p>f) The Developer shall be responsible for the re-location of all existing services/utilities as required to facilitate the proposed development.</p> <p>g) All service lines and cables servicing the proposed dwelling shall be located underground except where otherwise agreed in writing with the Planning Authority</p> <p><b>Reason:</b> To protect the public amenities of the area.</p>
12.	<p>All foul sewage and soiled water shall discharge to the public foul sewer system.</p> <p><b>Reason:</b> In the interest of public health, to avoid pollution, and to ensure proper development.</p>
13.	<p>The Developer shall enter into a Connection Agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network and shall adhere to the standards and conditions set out in that agreement.</p>

	<p>All development shall be carried out in compliance with Uisce Éireann's Standard Details and Codes of Practice.</p> <p>Uisce Éireann does not permit build over its assets. Where the Developer proposes to build over or divert existing water or wastewater services the Developer shall have received written Confirmation of Feasibility (COF) of Diversion(s) from Uisce Éireann prior to any works commencing.</p> <p><b>Reason:</b> To provide adequate water and wastewater facilities.</p>
14.	<p>a) The proposed external finishes of the school shall be as per indicated on the details received by the Planning Authority on the 13/09/2024, unless otherwise agreed in writing with the Planning Authority.</p> <p>b) The Roads Objective within the development shall be finished with surface course to be Stone Mastic Asphalt, SMA 10/14 surf PMB 65/105-60 des 45mm thick, in compliance with clause 942 of NRA/TII specification. All surface water drainage gullies shall be fitted with suitable locking type covers or gratings.</p> <p><b>Reason:</b> In the interest of visual amenity, traffic safety and improved skid resistance.</p>
15.	<p>Prior to the occupancy of Phase 1 of the development, the Developer shall construct the new signalised junction with the Melitta Road at the northern corner of the site, the 135m section of the Roads Objective, the new car park and upgrade the existing signalised junction between the Melitta Road (R413) and Station Road (R415) as part of phase 1 of the new school.</p> <p>The new signalised junction with the Melitta Road and the upgraded junction between Melitta Road and Station Road shall include Vulnerable Road Users crossing facilities in line with current standards. The Developer shall liaise with the Sustainable, Transport and Traffic Management Section of Kildare County Council in regard to this.</p> <p>The junction works shall be in accordance with Kildare County Council's specifications including:</p>

	<p>a) Details of traffic signals</p> <p>b) The controller to have ELV and LED signals</p> <p>c) The installation of CCTV camera and pole at the junction to assist monitoring of traffic flows</p> <p>d) The installation of MOVA technology</p> <p>e) The upgrade of existing public lighting</p> <p>f) The upgrade of the road layout and markings including the provision of dished kerbs and tactile paving.</p> <p>All installations shall be connected to Kildare County Council's Traffic Management Centre located at the Council's headquarters at Áras Chill Dara, Devoy Park, Naas, County Kildare. The cost of the design, supervision and delivery of all works described in the foregoing may have to be borne solely by the Developer. These works shall be completed to the satisfaction of the Sustainable, Transport and Traffic Management Section of Kildare County Council.</p> <p><b>Reason:</b> In the interests of road safety and traffic movement.</p>
16.	<p>Prior to the occupancy of phase 1, the Developer shall construct the 2no. shared cycling and pedestrian access routes along the southern boundary of the site, which will facilitate access from the site to Ruanbeg Drive and the residential development under construction to the south.</p> <p>The most southern cycling and pedestrian access point leading to the existing roundabout at Gaelscoil Mhic Aodha shall not be gated.</p> <p><b>Reason:</b> In the interest of permeability and proper planning and sustainable development.</p>
17.	<p>Prior to the occupancy of Phase 1 and Phase 2, the Developer shall conduct a Stage 3 Road Safety Assessment (RSA) on the junction improvement works and access route improvements. The RSA Stage 3 shall be conducted by an independent approved and certified auditor. The recommendations of the RSA should be incorporated into the remedial works.</p>

	<b>Reason:</b> In the interest of road safety.
18.	<p>The landscaping scheme, as submitted to the planning authority on the 13/09/2024 shall be carried out no later than the first planting season after the first occupation of each phase of the development on site.</p> <p>The following shall be carried out:</p> <ul style="list-style-type: none"> <li>a) All trees and plant species shall be native species and no invasive species are permitted.</li> <li>b) All railings and gates shall be powder coated black in colour.</li> <li>c) All boundary walls that address the public road shall be finished in natural quarried limestone. No reconstituted stone shall be used.</li> <li>d) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</li> </ul> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
19.	<p>The Developer shall maintain a Mobility Management Plan to reduce car dependency and effect a modal shift to sustainable and active modes of transport.</p> <p><b>Reason:</b> In the interest of Road Safety.</p>

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.

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Catherine Hanly  
Planning Inspector

13 January 2025



## EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-321159-24		
<b>Proposed Development</b> <b>Summary</b>	Construction of a post-primary school and all ancillary site development works.		
<b>Development Address</b>	Former Magee Barracks, Kildare Town, Co. Kildare.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>	x	
	<b>No</b>		
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	X	Class 10 (b) (iv) – Infrastructure Projects	Proceed to Q3.
<b>No</b>			Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	X	The site measures 4.83 ha and is below the 10 hectare threshold as set out in class 10 (b) (iv).	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10 (b) (iv) – Infrastructure Projects. Urban development which would involve an area greater than 10 ha in a built-up area. The site area is below 10 ha and measures 4.83 ha.	Preliminary examination required (Form 2)

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

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

## EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-321159-24	
<b>Proposed Development Summary</b>	Construction of a post-primary school and all ancillary site development works.	
<b>Development Address</b>	Former Magee Barracks, Kildare Town, Co. Kildare.	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b></p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The subject development comprises the construction of a new post-primary school and an access road. The development is located beside 2no. existing schools and residential development. The proposed development would not be exceptional in the context of the existing environment.</p> <p>During the construction phases, the proposed development would generate waste. However, I do not consider that the level of waste generated would be</p>	No

	significant in the local, regional or national context. No significant waste, emissions or pollutants would arise during the construction or operational phase due to the nature of the proposed use.	
<p><b>Size of the Development</b></p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed development consists of a post-primary school beside 2no. existing schools and is therefore not considered exceptional in the context of neighbouring schools.</p> <p>Owing to the serviced urban nature of the site, I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>	No
<p><b>Location of the Development</b></p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the</p>	<p>The application site is not located in or immediately adjacent to any European site.</p> <p>The closest Natura 2000 site is the Pollardstown Fen Special Area of Conservation (site code 000396) which is located approximately 4km to the south-west of the site.</p>	No

area, including any protected structure?		
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

**Inspector:**

**Date:**