



An
Coimisiún
Pleanála

Inspector's Report ABP-322381-25

Development	9 houses with ancillary and associated site development works.
Location	Millbrook, Naas, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	24/61161
Applicant(s)	Poppyvale Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v. Refusal
Appellant(s)	Poppyvale Ltd.
Observer(s)	None.
Date of Site Inspection	13 th August 2025.
Inspector	Susan McHugh

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Reports	9
3.3. Prescribed Bodies	11
3.4. Third Party Observations	12
4.0 Planning History	12
5.0 Policy Context	12
5.1. Kildare County Development Plan 2023-2029	12
5.2. Naas Local Area Plan 2021 - 2027	17
5.3. National Policy	18
5.4. Regional Policy	21
5.5. Ireland's 4 th National Biodiversity Action Plan 2023–2030	22
5.6. Water Framework Directive	22
5.7. Natural Heritage Designations	23
5.8. EIA Screening	23
6.0 The Appeal	23
6.1. Grounds of Appeal	23
6.2. Planning Authority Response	28
6.3. Observations	28
6.4. Applicant Response to Section 131	29
7.0 Assessment	29

7.2.	Infill Development	29
7.3.	Layout, Density and Design	30
7.4.	Residential Amenity	32
7.5.	Open Space and Landscaping.....	36
7.6.	Access, Traffic Safety and Parking	39
7.7.	Surface Water Drainage	39
7.8.	Ecology	41
8.0	AA Screening.....	44
9.0	Recommendation.....	44
10.0	Reasons and Considerations.....	44
11.0	Conditions	45
Appendix 1 – EIA Preliminary Screening		
Appendix 2 - EIA Pre-Screening		
Appendix 3 - AA Screening		
Appendix 4 - Water Framework Directive		

1.0 Site Location and Description

- 1.1. The subject site is located c.340m to the east of Main Street in Naas, and to the south of Millbrook Court.
- 1.2. Millbrook Court contains footpaths on either side which lead back into the town centre. The site is located by the entrance of the cul de sac off Millbrook Court. This cul de sac provides access to three other houses (No. 9, 10 and 11 Millbrook Villas) which neighbour the site to the west. No. 9 Millbrook Villas shares its side boundary with the subject site. Lakelands residential development is located to the south.
- 1.3. To the east of the site there is a large hard surfaced area used for car parking. There are a number of small-scale commercial units around the perimeter of this courtyard and apartments over. The boundary is ill defined between this access route (for the site and neighbouring dwellings in Millbrook Villas) from the adjoining car park area associated with the apartments and commercial units in the mill buildings. RPS Ref. NS19-037 Millbrook House, Millbrook is a detached five bay three storey miller's house-built c.1790, now in use as offices.
- 1.4. The subject site measures 0.18 hectares and contains a vacant dwelling in poor repair, access road and area of open space. The site is overgrown, and the house appears to be unoccupied.
- 1.5. The site slopes from its southern edge (99.06 OD) to the northern edge (92.76OD).
- 1.6. The Main street in Naas is served by a number of bus routes and Sallins train station is c. 3km from the site.

2.0 Proposed Development

- 2.1. Permission is sought to demolish an existing single storey house on site with a stated floor area of 111sqm.
- 2.2. It is proposed to construct 9 no. 2 storey dwelling units, comprising
 - 8 no. 3 bed terraced houses (House type A1, B1 and B2) on sites 1-3 and 5-9 with a floor area of 173.7sqm. End of terrace house type B2 on site no. 9 has a slightly larger floor area of 180.1sqm.

- 1 no. 4 bed detached house (House type B1) on site 5 with a floor area of 242.6sqm
- 2.3. The terrace of three houses (on sites 1-3) to the north will address Millbrook Court. The detached house (on site 4) addresses the corner with Millbrook Court and the new entrance and access road from Millbrook Court to Millbrook Villas. A contiguous elevation to Millbrook Court for houses on sites 1-4 indicates houses on sites 3 and 4 stepping down from sites 1 and 2 towards the new entrance.
 - 2.4. The terrace of five houses (on sites 5-9) will address the new access road to the east and the side boundary of house no. 9 Millbrook Villas to the west. The end of terrace house on site no. 9 includes a dual frontage to both the new access road and home zone area. This terrace is stepped from north to south reflecting the change in site levels.
 - 2.5. External finishes include nap plaster finish and brick, and blue/black concrete slate/tile.
 - 2.6. Each unit will have two in curtilage car parking spaces.
 - 2.7. The new access road will include a footpath on both sides leading to a home zone area with bin storage prior to entering Millbrook Villas to the west.
 - 2.8. Boundary treatments indicate a new boundary wall along the western boundary with house no. 9 Millbrook Villas.
 - 2.9. Rear gardens for the terraced houses 1-3 range between 54sqm and 81sqm. The rear garden of house no 4 is stated as 92sqm, while rear gardens for terraced houses 5-9 range between 63sqm and 108sqm.
 - 2.10. The application lodged 04/11/2024 was accompanied by;
 - Ecological Impact Assessment
 - Archaeology Report
 - Tree Survey
 - Lighting Layout
 - Landowners Consent

2.11. In response to a further information request 07/01/2025, revised drawings were submitted. The main revision to the layout includes the omission of the home zone area, with no change to the number and layout of houses proposed.

2.12. The following were submitted to the PA 05/03/2025.

- Housing Quality Assessment
- Plans, Sections and Elevations
- Services Layout with Surface Water drainage details
- Construction and Demolition Management Plan
- Method Statement and Risk Assessment for Demolition Works
- EV Ducting layout and Roads Sections
- Taking in Charge Drawing
- Landscape Master Plan
- Arboriculture Report

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority decided to **refuse** permission for 6 no. reasons on 01/04/2025 as follows;

1. Having regard to Section 15.6.6 Public Open Space for Residential Development, of the Kildare County Development Plan 2023- 2029, where it is an objective to provide a minimum of 10% of open space for developments less than 8 units and a minimum of 15% for larger sites, the proposed development, which is provided with no public open space, would therefore be contrary to Kildare County Development Plan 2023-2029 policy, would thereby result in a substandard development lacking adequate public open space and therefore contrary to proper planning and sustainable development of the area.

2. It is an objective of the Kildare County Development Plan 2023-2029 that where zones abut residential areas, particular attention should be paid to the uses, scales, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties (Table 11.2 Zoning Matrix - Transitional Areas). The proposed development, due to its location, layout, density, bin storage location and orientation, in proximity to existing residential properties to the west and the south where first floor windows would overlook the rear and side amenity of existing dwellings would give rise to unnecessary overlooking, would result in the rear gardens of dwellings units 1, 2 and 3 of the proposed development being over looked by dwelling units 6 and 7, would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the zoning objective (zoned 'B' – Existing/infill residential) pertaining to the site as set out in the Naas Local Area Plan 2021-2027 where it is an objective 'to protect and enhance the amenity of established residential communities and promote sustainable intensification' The proposed development would be contrary to the Naas Local Area Plan 2021-2027 and Kildare County Development Plan 2023-2029 policy and would therefore be contrary to the proper planning and sustainable development of the area.
3. Having regard to Kildare County Development Plan 2023-2029 Policy on Sustainable Urban Drainage (H0 050 and Section 15.4) which seeks to ensure 'the use of Sustainable Urban Drainage Systems' in all residential developments and on Green Infrastructure (BI P1) which seeks to avoid 'impacts where possible, minimising adverse impacts' and having regard to the location of the site, in proximity to, and between, GI Corridor Map 5 – Fairgreen Lakes and GI Corridor 7 – Craddockstown and Castlesize Stream (as Identified in the Naas Local Area Plan 2021-2027), thereby making this site an important 'stepping-stone' to link them, and the likelihood of bats being present on the site, and taken in conjunction with the severe loss of existing flora and fauna from the site and the lack of mitigation proposals and use of nature based solutions for surface water drainage, the proposed development would be contrary to Kildare County Development Plan 2023-2029 policy and

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

4. The proposed development, having regard to its location on a prominent site, with significant levels and contours requiring significant excavation and infill, which would create substandard private amenity spaces for each of the dwelling houses and having regard to the unsuccessful transition between the existing development in the vicinity (including a Protected Structure) of the site and the proposed development and where a suitable design solution has not been achieved to minimise the impact on, or address the character of the existing historic buildings in the vicinity, the proposed development would be contrary to Kildare County Development Plan 2023-2029 objectives (UD P1, UD 01) which require 'a high standard of urban design to be integrated into the design and layout of all new development and ensure compliance with the principles of healthy placemaking' and therefore would be contrary to the proper planning and sustainable development of the area.
5. The proposed development, located on a prominent site, with significant levels and contours requiring significant excavation and infill, where an invasive species (Japanese Knotweed) has been identified and where an Invasive Species Management Plan in order to comply with the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011-2015 has not accompanied the application, would be contrary to Policy Objective BI P9 and BI 058 of the Kildare County Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.
6. Insufficient information has been submitted with regard to inter alia, cross-sectional drawings, contiguous drawings, a thorough bat survey and the disposal of excavation material where there is a known invasive species on site to enable the Planning Authority to adequately assess the impact of the proposed development on surrounding residential amenity, the character of the area and the environment. The proposed development would therefore be contrary to the proper planning and development of the area.

3.2. Planning Reports

The 1st Report Assistant Planner dated 06/01/2025 includes:

- Principle of development acceptable.
- Location, layout and residential mix welcomed, maximising an underdeveloped site adjacent to Naas town centre.
- Visually acceptable but lacks landscaping details.
- Storage provision in units falls short of standards.
- Private open space provision is in excess of minimum requirements as set out in Section 28 Guidelines – SPPR2 – Minimum Private Open Space Standards for Houses.
- Part V two no. units identified.
- Development will not result in undue overlooking.
- Recommends further information.

The 2nd Report of Senior Executive Planner dated 01/04/2025 following further information included:

- Built Heritage - Millbrook House (RPS no. NS19-37) is located circa 65m to the east of the site, and 80m east of the Naas Architectural Conservation Area.
- *Further Information Item 1* - Housing Quality Assessment and revised drawings in relation to storage provision in each unit in compliance with Section 15.4.6 of the Kildare CDP.
- *Further Information Item 2* – Surface water management design details referred to in cover letter omitted. Proposed soakaway indicated on “Services Drawing” (Drawing No. S1-001) located outside red line boundary on public lands.
- *Further Information Item 3* - Revised Site Layout Plan (Drawing no. A1-003) and Proposed Taking in Charge Layout (Drawing no. A1-101) addresses this item. Notwithstanding positive report from the Roads Department, with the loss of the ‘Home Zone’ no public open space has been proposed, which is contrary to County Development Plan and should therefore be refused.

- *Further Information Item 4* - “Method Statement & Risk Assessment for Demolition Works” submitted addressing this item.
- *Further Information Item 5* - Landmark Design & Consultancy has been appointed as the Landscape Architects for the proposed development addressing this item.
- *Further Information Item 6 and 7*- Landscape Plan (Drawing no. 01) submitted is noted but does not fully address this item.
- *Further Information Item 8* – Arboricultural Consultant for the proposed development have submitted a Tree Survey & Constraints Plan (Drawing No. 250117-P-10) and Tree Removals Plan (Drawing No. 250117-P-11).
Notwithstanding positive report from the Parks Department, there remain outstanding issues that have not been addressed for example the management of the Japanese Knotweed identified on site and the likelihood of bats using the site.

Summary

1. The site comprises a steep incline, which the applicant has not successfully demonstrated to have addressed within the proposed design and layout.
2. The sensitive nature of the site, being located on an elevated node and acting as a green-stepping stone within Naas’ Green Infrastructure, has not been addressed within the proposed design.
3. It is not clear how the requirements of the Design Manual for Urban Roads and Streets have been applied to the development.
4. Bats are likely to be present on the site.
5. Overlooking and impact on adjoining properties.
6. Internal room sizes and Dwelling House B1 has no living room and dwelling unit 4 should be redesigned as a principal structure on the site and provide additional passive surveillance at this important corner location and help activate the street.
7. Garden levels and rear boundary treatments would create dark and possibly oppressive spaces for the rear amenity space of each of the dwellings.

8. The development cannot be fully assessed without additional cross sections and CGI images, especially where it interacts with the space in front of the protected Mill Building.
 9. There is an absence of public open space and SUDS or nature-based solutions to manage surface water from this site, noting the potential for flooding at the north-eastern end of the site.
- Recommends refusal.

3.2.1. Other Technical Reports

- **Roads:** 1st Report received 04/12/2024 recommends further information in relation to a revised site layout plan and Construction and Demolition Management Plan. 2nd report received 13/03/2025 recommends no objection subject to conditions.
- **Environment:** Report received 29/11/2024 recommends no objection subject to requirements.
- **Water Services:** 1st Report received 12/11/2024 recommends further information in relation to the management of surface water on the entrance road including SuDS proposals. 2nd Report received 05/03/2025 recommends clarification of further information, noting the absence of a detailed design for the surface water system to include a nature-based solution rather than a soakaway system.
- **Parks:** 1st Report received 13/12/2024 recommends further information noted the absence of a Landscape Plan and poor quality of the Tree Survey. 2nd Report received 20/03/2025 recommends further information to requested/included as part of any grant of permission with respect to Landscape Design and retention of an Arborist.
- **Fire Service:** Report received 16/12/2024 recommends no objection.
- **Development Control:** Report received 04/12/2024 recommends no objection subject to requirements.

3.3. Prescribed Bodies

- **Uisce Eireann:** No report received.

- **Environmental Health Officer:** Report received 09/12/2024 recommends no objection subject to requirements.

3.4. Third Party Observations

- None received.

4.0 Planning History

Appeal Site

- 4.1. There is no planning history pertaining to the subject site.

Planning History on adjacent sites

- 4.2. **PA Reg. Ref. 22/420:** Permission **granted** for construction of a dormer rear extension (north), single storey double height side extension (west) and a single storey side extension (east), installation of a dormer window on south roof plane, balcony style rooflight on west roof plane, amendment of ground floor windows on west and installation of rooflights on east and west roof plane and all associated site works. Catherine Rowan Farooq and Dr. Mohammad Farooq.
- 4.3. **PA Reg. Ref. 23/60058 (ABP-318147-23):** Permission **granted** at No. 9 Millbrook Villas for demolition of existing dwelling unit and construction of a replacement dwelling and all associated site works and services. First party appeal was in respect of a financial contribution.

5.0 Policy Context

5.1. Kildare County Development Plan 2023-2029

5.1.1. Chapter 2 sets out Core Strategy and Settlement Strategy

Naas is designated as a 'Key Town' within the Settlement Hierarchy. Key Towns are described as large towns which are economically active that provide employment for their surrounding areas. The plan states that key town have high-quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.

The population of County Kildare, 2022 figures, is given as 246,977 people and is expected to be 266,500 by 2031. The population of Naas is given as 21,393 people as indicated on Figure 2.8 – Core Strategy Table.

It is set out under Objective CS 09 to ‘Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines.

5.1.2. **Chapter 3** sets out Housing policy in relation to suburban/infill sites.

Section 3.7 Residential Densities sets out appropriate density levels as per the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities 2009.

Objective HO O6 seeks to ‘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’.

Section 3.9 Regeneration, Compact Growth and Densification sets out the following policies and objectives of relevance

Policy HO P6 seeks to ‘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 O7: seeks to ‘Promote, where appropriate and sensitive to the characteristics of the receiving environment, increased residential density as part of the Council’s development management function and in accordance with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities and the accompanying Urban Design Manual, DEHLG, May 2009.’

Objective HO O8 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.'

- 5.1.3. **Chapter 5 (Sustainable Mobility & Transport)** of the Plan includes the following policies and objectives that are relevant to the consideration of the proposed development:

TM P9: Effectively manage and minimise the impacts of traffic in urban areas and prioritise the movement of pedestrians, cyclists and public transport particularly at key junctions, while maximising the efficient use of existing resources.

TM O31: Ensure the delivery of robust and efficient cycle and walking infrastructure in Naas by enhancing permeability and improving linkages between Naas Town Centre, surrounding residential and employment areas, Sallins Railway Station and the Northwest Quadrant.

TM A16: Progress the delivery of key measures outlined in the Naas / Sallins Transport Strategy 2020 on a phased basis as funding is secured.

TM O45: Work with statutory agencies and stakeholders to promote and facilitate the development of a public transport hub in Naas and Sallins which will connect road, rail and public bus transport, including Park and Ride and interchange facilities.

- 5.1.4. **Chapter 6 (Infrastructure & Environmental Services)** of the Plan deals with Surface Water/Drainage and highlights the importance of compliance with best practice guidance and the use of Sustainable Urban Drainage Systems (SuDS). Relevant policies, objectives, and actions can be summarised as follows:

IN O21: Facilitate the development of nature-based SuDS.

- **IN O22:** Require SuDS and other nature-based surface water drainage as an integral part of all new development proposals.
- **IN O23:** Reduce storm water run-off and ensure that it is disposed of on-site or attenuated and treated prior to discharge with consideration for ground infiltration, storage, and slow-down.
- **IN O24:** Only consider underground retention solutions when all other options have been exhausted. Underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution.
- **IN O26:** 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.

5.1.5. **Section 6.7** of the Plan deals with Flood Risk Management and highlights the need to consider/manage risk as part of the planning process.

5.1.6. It is an aim under **Chapter 11 (Built and Cultural Heritage)** of the Plan 'To protect, conserve and sensitively manage the built and cultural heritage of County Kildare and to encourage sensitive sustainable development so as to ensure its survival and maintenance for future generations. Policies and objectives of note include:

AH P1: Recognise the value and opportunity of Kildare's unique heritage resource and to manage, conserve, promote and protect it, for present and future generations.

AH O2: Manage development in a manner that protects and conserves the archaeological heritage of County Kildare, avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest and secures the preservation in-situ or by record of all sites and features of historical and archaeological interest, including underwater cultural heritage. The Council will favour preservation in – situ in accordance with the recommendation of the Framework and Principles for the Protection of Archaeological Heritage (1999) and the Council will seek and have regard to the advice and recommendations of the Department of Housing, Local Government and Heritage.

AH O5: Require the preservation of the context, amenity, visual integrity and connection of the setting of archaeological monuments. As a general principle, views to and from archaeological monuments shall not be obscured by inappropriate development. Where appropriate, archaeological visual impact assessments will be required to demonstrate the continued preservation of an archaeological monument's siting and context.

AH P2: Protect and enhance archaeological sites, monuments and where appropriate and following detailed assessment, including those that are listed in the Record of Monuments and Places (RMP) or newly discovered archaeological sites and/or subsurface and underwater archaeological remains.

AH P5: Secure the identification, protection and conservation of historic items and features of interest throughout the county including street furniture, surface finishes, roadside installations, items of industrial heritage, riverine heritage, and other stand-alone features of interest (items not listed on the RMP or RPS).

5.1.7. **Chapter 14** of the current CDP sets out policy with respect to Urban Design, Placemaking and Regeneration.

5.1.8. **Chapter 15** sets out Development Management Standards

These policies and objectives, where relevant, will be discussed in further detail within the assessment of the appeal in Section 7 of this report.

Section 15.4.6 refers to House Design

Section 15.6.3 refers to Amenity Green Spaces

Amenity Green Spaces are generally small areas of open space associated with individual housing estates. Requirements are outlined in 15.6.6 below. These spaces shall comprise areas for biodiversity and link (by way of native hedgerows and trees) with any adjacent green infrastructure networks

Section 15.6.6 Public Open Space for Residential Development

“In all other cases, public open space should be provided at the rate of 15% of the total site area (at a minimum). This may include Natural / Semi-Natural Green Spaces incorporating the planting of native species and pollinator friendly areas which enhance biodiversity up to a maximum of 6%.

- A relaxation of these standards may be considered in smaller developments (less than 8 units) for which a minimum of 10% would be required which includes 4% for biodiversity”.

Table 15.2 – Minimum Floor Space and Open Space Requirements for Houses

Unit Type (House)	Floor Area	Storage Area	Minimum Private Open Space
One bedroom	55m ²	3m ²	48 m ²

Two bedroom	85m2	6 m2	55 m2
Three bedroom	100m2	9 m2	60 m2
Four bedroom	100m2	10 m2	75 m2

5.2. Naas Local Area Plan 2021 - 2027

- 5.2.1. The site is zoned 'B – Existing Residential/Infill' under the Naas LAP. The zoning seeks '*to protect and enhance the amenity of established residential communities and promote sustainable intensification*'.

5.2.2. **Section 3.4** Approach to New Residential Zoning:

Consolidation and infill development underpin the development strategy in this Plan in line with achieving Strategic Objective No. 1 (Compact Growth) of the National Planning Framework (NPF). National Policy Objective (NPO 3c) of NPF requires that at least 30% of all new housing units (2,394) must be delivered within the existing built-up footprint of the town (Figure 3.2 refers). The required 30% of the housing units is 718.

Policy HC1 – Residential Development

It is the policy of the Council to ensure that sufficient land is available at appropriate locations to satisfy the County Core Strategy growth allocation for Naas, to ensure Naas maintains its status as one of Kildare's Key Towns and that good quality housing is provided

Objective HCO 1.3 Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.

Policy HC2 - Residential Density, Mix and Design

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

5.2.3. **Table 11.2** Zoning Matrix - Transitional Areas:

While the zoning objectives indicate the different uses permitted in each zone it is important to avoid abrupt transitions in scale and use at the boundary of adjoining land use zones. In these areas it is necessary to avoid developments that would be detrimental to amenity. In zones abutting residential areas, particular attention will be paid to the uses, scales, density and appearance of development proposals and to landscaping and screening proposals in order to protect the amenities of residential properties. Development abutting amenity and open space will generally facilitate the passive supervision of that space, where possible by fronting onto it.

- 5.2.4. **Section 4.4** Residential Density: ‘The overall design and layout of schemes should be of high quality and comply with the urban design principles contained in the Kildare County Development Plan 2017-2023 (as varied) or any subsequent development plan.’

5.3. **National Policy**

- 5.3.1. ‘Housing for All - a New Housing Plan for Ireland (September 2021)’ 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.
- 5.3.2. The Revised National Planning Framework (April 2025) recognises the need to plan for a population of between 6.1 to 6.3 million people by 2040, and plan for approximately 50,000 units per annum over that period, to meet additional population and employment growth over and above the original 2018 NPF projections. This reflects the latest research and modelling by the Economic and Social Research Institute (ESRI), which forecasts substantial population growth over the next decade. The Revised NPF, with the subsequent provision of updated planned housing requirements at a local authority level, aims to ensure that housing supply meets both new demand and addresses existing need, creating a sustainable future for housing in Ireland.

In order to ensure that the revised population projections and related housing requirements can be delivered on, service provision will also require co-ordination and prioritisation to ensure that the necessary infrastructure is in place, both to support and enable housing development to take place, and to ensure that housing delivery is aligned with the provision of services and facilities for communities. This includes the provision of education, childcare, healthcare and recreational facilities to support the expansion of existing settlements and the creation of new sustainable communities.

In addition to accounting for the ESRI's baseline projection of 6.1m people by 2040, the NPF also includes provision for strategic planning for up to 6.3 million people by 2040 (the ESRI high migration scenario), which is required to be aligned with strategic planning for Transport Orientated Development (TOD) in and around Ireland's five cities to support the delivery of new sustainable communities at brownfield and greenfield locations along existing or planned high capacity public transport corridors.

The implementation of the NPF will continue to align with the National Development Plan and form as one single vision for Ireland under 'Project Ireland 2040' to be fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.

5.3.3. Project Ireland 2040 National Planning Framework (NPF) The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.

- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

5.3.4. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.3.5. The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

5.3.6. Climate Action Plan 2025 builds upon last year's Plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

5.3.7. Ireland's 4th National Biodiversity Action Plan 2023–2030 - Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5-Strengthen Ireland's Contribution to International Biodiversity

Initiatives.

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

5.3.9. Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.4. **Regional Policy**

5.4.1. Eastern Midlands Regional Spatial and Economic Strategy 2019 - 2031 The Eastern and Midlands Regional Spatial and Economic Strategy 2019 – 2031 (RSES) is a regional strategic plan which sets out a settlement and economic growth strategy to ensure the needs of the Region's citizens in order to ensure that access to employment opportunities and services, ease of travel and overall well-being are met.

5.4.2. The Regional Growth Strategy identifies key locations for population and employment growth, coupled with investment in infrastructure and services to meet those growth needs. The Strategy was devised through the analysis of an asset-based assessment of settlements and a recognised Functional Urban Area produced by a city/town or village, devising a settlement strategy for the Region. The RSES growth strategy was developed having regard to the availability of suitably serviced land, resources, environment and infrastructure capacity. The settlements comprise seven levels with Dublin City and Suburbs forming the top-level settlement for the

region. For County Kildare, Naas and Maynooth are the only regionally identified settlements within the county

5.5. Ireland's 4th National Biodiversity Action Plan 2023–2030

5.5.1. Ireland's 4th National Biodiversity Action Plan (NBAP) 2023–2030 sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The NBAP will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

- Objective 1 - Adopt a Whole of Government, Whole of Society Approach to Biodiversity,
- Objective 2 - Meet Urgent Conservation and Restoration Needs,
- Objective 3 - Secure Nature's Contribution to People,
- Objective 4 - Enhance the Evidence Base for Action on Biodiversity
- Objective 5 - Strengthen Ireland's Contribution to International Biodiversity Initiatives.

5.6. Water Framework Directive

5.6.1. The European Union Water Framework Directive 2000/60/EC (WFD) was adopted in 2000 as a single piece of legislation covering rivers, lakes, groundwater and transitional (estuarine) and coastal waters and includes heavily modified and artificial waterbodies. The overarching aim of the WFD is to prevent further deterioration of and to protect, enhance and restore the status of all bodies of water with the aim of achieving at least 'good' ecological status by 2015 (or where certain derogations have been justified to 2021 or 2027).

5.6.2. The site is located within the River Liffey (Catchment ID 120) Water Framework Directive catchment area and in the River Liffey_120 Sub-catchment.

5.6.3. The nearest river waterbody to the site is the Mill Race Stream which is located c. 25m east of the site. The Mill Race Stream which is of good water quality status flows in a northerly direction to the River Liffey.

5.7. Natural Heritage Designations

- 5.7.1. The nearest designated site is Red Bog SAC (site code 000397), which is located circa 7.7km to the west of the site. Mouds Bog SAC (site code 002331) is located circa 9.3km to the east of the site.
- 5.7.2. The proposed Natural Heritage Area (pNHA) Grand Canal (site code 002104) is located circa 450m to the west of the site.

5.8. EIA Screening

- 5.8.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First Party appeal was lodged by a planning consultant on behalf of the applicant, and was accompanied by the following;
- Architectural Design Statement
 - Shadow Impact Assessment
 - Cover letter re pre planning meeting re open space
 - Amended landscape plan prepared by Landmark Design & Consultancy Ltd. which show new trees planted in each rear garden to form two natural rows/liner features
 - Response prepared by Panther Ecology Ltd Report dated 22nd April 2025

6.1.2. The grounds appeal was also accompanied by revised drawings which include a proposed site layout, cross sections, Unit No. 4 eastern boundary treatment, contiguous elevations, and ground and first floor plans for units 1-4.

6.1.3. The grounds of appeal can be summarised as follows;

Response to Reason for Refusal No.1. – Open Space

- Submit that the non-provision of public open space in this instance is reasonable having regard to the:

- Small size of the site
- Need to intensify the use of land close to the town centre
- Proximity of the site to high quality public open space in the form of Lakelands and the canal route.
- The gradient of the lands.

Response to Reason for Refusal No.2. – Residential Amenity

- Submit proposed dwellings no. 6-9 will not overlook existing house no. 9 Millbrook Villas to the west, and that proposed dwellings 5-7 have first floor windows are 11m from the boundary with no 9 and will not give rise to overlooking.
- Unreasonable to suggest overlooking from proposed end house no. 9 of 168 and 169 Lakelands to the south and will be set back 27m from first floor windows.
- Dispute assertion that there would be overlooking of rear gardens of proposed dwellings 1,2 and 3 from proposed dwellings 6 and 7.

Response to Reason for Refusal No.3. SuDS and Green Infrastructure

- Dispute that the site is located within or adjacent to GI corridor 5 or 7.
- No evidence to support that the existing site has supported the ecological area of the Castlesize River which is 130m away and physically divorced from each other by existing housing.
- *Bats* – Refer to the findings of the daytime walkover survey cited in the Panther Ecology Report which concludes that the existing building and trees are unlikely to have significant relevance for roosting bats.

- Accepts that the removal of all trees including linear landscape features (tree lines) could impact bat commuting dynamics in the area and that incorporation of new planting within the design would reduce the potential impacts on commuting / foraging bats if present.
- Refers to landscape plan which proposes a row of 3 trees to the north of the site. The applicant is open to a condition requiring the erection of bat boxes in all 5 trees proposed to be planted.
- In terms of loss of flora and fauna refers to the Arborists report which notes that the majority of trees to be removed are of low quality and value.
- Submit that the lands to the west are not of any ecological significance and are overgrown.
- Revised Landscape Plan submitted with the appeal indicates a single tree of native species will be provided in the rear garden of each house.
- These trees will form a linear ecological link to each other (two rows) and to the site to the west in terms of an ecological stepping stone.
- *SuDS* - Assert that submitted drawings show permeable paving and soakaways to driveways and swales to roadside verges, and that surface run off from roads and footpaths are attenuated in swales.
- Note location of soakaway located outside red line boundary and suggest this be omitted by condition.

Response to Reason for Refusal No.4. - Private Amenity Space

- *Private Amenity Space* - Shadow Impact Analysis prepared by Furey Consulting Engineers submitted with the appeal. Submit that in an edge of town centre location where densities are higher shadow impact is normal in relation to boundary treatments.
- *Transition Area* - Dispute PA assertion that proposal fails to provide a successful transition between existing development in the vicinity and proposed development.
- *Public Realm* – Proposed development involves a small-scale urban development providing a positive frontage to the public realm to the north and east and meets urban design standards.

- *Impact on Protected Structure* – Unclear how or why the proposed development is considered to impact negatively on Millbrook House in terms of forming a suitable transition.
- *Internal Layout of House No. 4* – Revised floor plans submitted with the appeal now provide bedrooms at first floor and living room/kitchen dining room at ground floor.
- *Boundary Treatment to House No. 4* – A revised boundary treatment is presented which is more transparent to allow for passive surveillance from dwelling No. 4. These changes are minor and could have been addressed by way of condition.
- *House No. 4* – Confirm private amenity space to the rear (calculated as 92m²) and will significantly exceed the minimum requirement for a 4-bed house under the Compact Settlement Guidelines (50sqm).
- Refer to Shadow Impact Analysis submitted with the appeal in response to concerns raised by PA.

Response to Reason for Refusal No.5. – Invasive Species

- *Control of Japanese Knotweed* – Contend that the Panther Ltd. Ecology Report submitted provides sufficient detail in relation to excavation, burial of treated knotweed and bunding.
- *Invasive Species* – Submit an Invasive Species Management Plan prepared by a qualified ecologist can be submitted by way of a condition. Assert this should not have been included as a reason for refusal.

Response to Reason for Refusal No.6.- Excavated Material and Bats

- *Contiguous drawings/Cross Section drawings* – Contend that contiguous drawings by Furey Consulting Engineers illustrate that there are no neighbouring dwellings to the south/north of the row of houses proposed to the east and none to the east/west of the row of houses proposed to the north. Unclear why the PA require same. Cross Section drawings are now provided with the appeal.
- *Bat Survey* – Refer to condition attached on adjoining mixed use development regarding mitigation measures to be addressed and submits a similar condition could be attached to the subject development.

- *Invasive Species/Excavated Material* – Approx. 150m³ of excavated material from the foundations are expected to be exported off site by a licenced waste contractor. A condition to undertake an Invasive Species Management Plan and a Resource Waste Management Plan to deal with the demolition waste can be dealt with by way of a condition.
- *Area between the site and the footpath at the apartment block* – Addressing issues raised by PA in terms of the design and interconnection between the site (including pathway connections), with the lands to the east, is not possible as these lands are not in the ownership of the applicant.
- *Area in front of Protected Mill Buildings* - Submit that these lands are not in the control of the applicant and cannot therefore be expected to address a layout and design concerns for these lands.

Additional Issues raised in Planners Report

- *Density* - Proposed density is 50 dwellings per hectare. Disagree with PA assessment with respect to sites proximity to public transport.
- Submit site is located within close walking distance of numerous bus stops along Main Street in Naas with a wide choice and high frequency of bus services. A map indicating the location of bus stops on Main street relative to the subject site, a list of the busses serving main street are presented, as are details of their frequency.
- Contrast the PA's assessment of the proposed density with the assessment by ABP inspectors report for the adjoining site which provides for a density of (110dph).
- Submit that the appeal site is capable of catering for higher residential density given its close proximity to the town centre and high-quality public transport.
- Unclear how a density of 110dph is acceptable to the PA on the adjoining site and a density of 50dph is unacceptable on the subject site.
- Applicant advised by PA to focus on the design criteria outlined in the Compact Settlement Guidelines which was submitted with the application. A Design Statement which addresses the 12 urban design criteria outlined in the 2009 Residential Guidelines now also submitted.

6.2. Planning Authority Response

6.2.1. The PA note the contents of the First Party appeal against the decision and observation can be summarised as follows;

- PA is not opposed to the development of the site for a sensitively and appropriately designed layout, subject to compliance with National, County and Local Area Plan policy and objectives.
- Proposal submitted was considered to have too many design/layout issues that could not be addressed via further information/clarification of further information request. In the interests of achieving a quality development that would have longevity in its design and to ensure that placemaking and CDP policy could be applied it was recommended that permission be refused.
- A significant redesign is required, and this redesign cannot be achieved by either clarification of further information or by way of condition and permission should be refused, pending further meetings and discussions with Kildare County Council's planning team to achieve the best outcome for a quality development at this location.

6.2.2. The PA note that if the Board considers a grant of permission is warranted, the PA reiterate issues raised in the PA report set out under the following headings;

1. Compact Guidelines and Density
2. Siting, Layout and Visual Impact
3. Ecological Impact Assessment
4. Access and services
5. Surface Water Management

6.2.3. In summary the PA consider the proposed development deficient in open space, quality rear amenity space, nature-based solutions, green infrastructure, would impinge upon residential amenity, lacks placemaking and quality urban design, has not addressed invasive species on the site and would therefore be contrary to County Development Plan Policy.

6.3. Observations

6.3.1. None received.

6.4. Applicant Response to Section 131

6.4.1. A response to the PA response was received from the First Party to the appeal on 18/06/2025. This was accompanied by the following;

- Daylight and Sunlight Assessment
- Services Layout Drawing and
- Surface Water Scheme Implementation Report

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues are addressed under the following headings:

- Infill Development
- Layout, Density and Design
- Residential Amenity
- Access, Traffic Safety and Parking
- Open Space and Landscaping
- Surface Water Drainage
- Ecology

7.2. Infill Development

7.2.1. As per the current local area plan for Naas the site is within an area zoned 'B – Existing/Infill Residential', the objective of which is 'to protect and enhance the amenity, of established residential communities and promote sustainable intensification.

7.2.2. The site includes what appears to be a vacant property within an overall site which is overgrown. The site includes an existing vehicular access lane serving the rear of the site and three other houses. The overall site also includes an area of overgrown green space on the opposite side of the access laneway.

- 7.2.3. By reason of the existing pattern of development in the vicinity of the site, which is surrounded on three sides by established residential development (albeit currently traversed by an access lane and therefore fragmented), the appeal site can reasonably be seen to constitute an infill site.
- 7.2.4. In principle the demolition of the existing house and proposal to construct 9 no. dwelling units would accord with the said zoning objective. The subject site is located outside the Architectural Conservation Area of Kildare town and at a remove from the existing Mill House a Protected Structure.
- 7.2.5. Having regard to the Guidelines for Sustainable Residential Development and Compact Settlements and the provisions of the current development plan and local area plan the acceptability or otherwise of the proposed development will be subject to the need to attain a balance between the reasonable protection of the amenities and privacy of adjoining property and the need to provide additional residential development at this location. I propose to address such matters in the following sections.

7.3. Layout, Density and Design

- 7.3.1. The scheme proposes 9 no. two storey dwellings, arranged roughly in an ‘L’ shape. These are arranged in a terrace of three houses (dwelling units no. 1-3) addressing Millbrook Villas to the north, and a detached house (dwelling unit no. 4) on the corner with Millbrook Villas and the realigned entrance road. The second terrace comprises five no. houses (dwelling units no. 5-9) which address the realigned entrance road to the east.
- 7.3.2. The surrounding area is characterised by two storey detached dwellings to the west, and two storey semi-detached dwellings to the south. The apartment development to the east provides for two floors of accommodation over ground floor commercial development, while the Mill House a Protected Structure with adjacent surface car parking is in use as offices.
- 7.3.3. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) recognise the need to *‘realise opportunities for adaptation and reuse of existing buildings and for incremental back land, brownfield and infill development, and deliver sequential and sustainable urban extension at*

locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement.'

- 7.3.4. Concerns were raised by the planning authority regarding how the proposed layout, density and design of the scheme would integrate into its context, noting the application was not accompanied by a Design Statement. The PA note the absence of contiguous drawings and cross-sectional drawings given the significant site level changes across the site. I share concerns raised by the PA in terms of cross section drawings.
- 7.3.5. I have had regard to the Architectural Design Statement prepared by Furey Consulting Engineers dated April 2025 submitted with the appeal. The report provides an overview of the development under the 12 parameters as outlined in the Urban Design Manual (A Best Practice Guide) (2009). The report includes a number of illustrative perspective drawings showing the proposed housing units and site levels within the scheme. The report however fails to illustrate the proposed development relative to adjoining development either by way of contiguous elevation or cross section drawings which would give a more representative visual of how the proposed development would integrate with existing site levels, boundary treatments and residential development.
- 7.3.6. Notwithstanding having visited the site, and surrounding area, I am satisfied that the proposed layout makes optimum use of the site and can be accommodated at this location.
- 7.3.7. The proposed development namely 9 no. dwellings, equates to a density of approx. 50 units per ha. The Guidelines for Sustainable Residential Development and Compact Settlements promotes higher residential densities in the general range of 35-50 dwellings on outer suburban sites on the periphery of larger towns on sites in excess of 0.5 hectares. While it is acknowledged that the proposed density is relatively high, it is considered acceptable on this infill site given the densities prevailing on adjoining residential developments, notably to the east. It is considered that the proposed development would not constitute overdevelopment of the site and is appropriate on an infill site at this location.
- 7.3.8. I also consider that the materials and finishes proposed which includes introduces some variety in finishes and is an acceptable design response for this infill site.

- 7.3.9. I have had regard to the Architectural Design Statement dated April 2025 prepared by Furey Consulting Engineers and revised drawings submitted by the applicant within the grounds of appeal. I have had regard to proposed boundary treatments and floor plans and am satisfied that sufficient details have been submitted to address some of the concerns raised by the PA.
- 7.3.10. I have had regard to the Design Statement submitted which addressed the 12 urban design criteria outlined in the 2009 residential guidelines. I am satisfied that the layout, density and design of the development takes cognisance of existing residential development in the vicinity and the future occupants of the scheme and can be integrated into the existing built-up footprint of the settlement of Naas.
- 7.3.11. In summary, I consider that the proposed development would not be out of character with the immediate area and is appropriate at this location.

7.4. Residential Amenity

- 7.4.1. Reason for refusal No. 2 refers to the location, layout, density, bin storage location and orientation of the proposed development, in proximity to existing residential properties to the west and the south. Concern is raised by the PA in relation to overlooking of both existing and proposed dwellings.
- 7.4.2. It is asserted that first floor windows would overlook the rear and side amenity of existing dwellings and would give rise to unnecessary overlooking.
- 7.4.3. Within the development concern is raised in relation to overlooking of rear gardens of dwellings units 1, 2 and 3 of the proposed development being over looked by dwelling units 6 and 7.
- 7.4.4. The issue of overlooking is disputed in the grounds of appeal by the appellant. In this regard I note there were no third-party submissions/observations to the PA in relation to residential amenity.
- 7.4.5. I have examined the site layout, site levels, orientation, first floor elevations and floor plans of the proposed two storey houses relative to adjoining development.
- 7.4.6. The existing detached house no. 9 Millbrook Villas is potentially the property most vulnerable to overlooking as it shares its eastern side boundary with appeal site. I have considered the existing and proposed site levels/ finished floor levels and

boundary treatments both within the appeal site relative to the adjoining site to the west.

- 7.4.7. I note house no. 9 Millbrook Villas is orientated north south with the eastern side elevation set off the eastern side boundary with the appeal site by approx. 1m.
- 7.4.8. While site levels on the adjoining sites are not indicated on drawings submitted, I can confirm from my site visit that the front garden of house no. 9 Millbrook Villas is slightly higher than the southern end of the appeal site and that the site slopes down to the rear where it abuts Millbrook Court. I can also confirm that house no. 9 is single storey and includes a separate garage to the rear which is located along the eastern side boundary with the appeal site.
- 7.4.9. In relation to proposed end of terrace house on site no. 9, I viewed the rear elevations, rear gardens and boundary treatments of existing two storey semi-detached houses to the south along Lakelands with particular reference to houses 167-169 Lakelands. I note from my site visit that while the proposed site levels at this highest part of the site will be above the rear garden level of the adjoining houses to the south, I do not consider given the separation distance of 27m to the rear of 169 Lakelands that there will be undue overlooking from the first-floor side gable windows to proposed house no. 9.
- 7.4.10. Within the development itself I accept that in terms of layout there is potential overlooking from house no. 5 and 6 of rear gardens to house no's 1 and 2 and vice versa. However, I also note that the views are angled and slightly mitigated with changes in site levels. I have also had regard to proposed boundary details submitted.
- 7.4.11. I concur with the PA in that contiguous cross section drawings illustrating existing and proposed site levels relative to existing adjoining residential development would have been useful in assessing the relationship with adjacent development.
- 7.4.12. I note while the applicant did submit illustrative perspectives of the subject development in isolation, the opportunity to submit same relative to adjoining development was not availed of. Notwithstanding, from my own assessment of the proposal I am satisfied that the two storey houses would not give rise to undue overlooking of adjoining residential development more typical in urban areas.

- 7.4.13. I have examined the Shadow Impact Assessment carried out by Furey Consulting Engineers dated April 2025 submitted with the grounds of appeal. It is noted that the dates of assessment include the March 20th (Spring) August 20th (Summer) and December 20th (Winter) at 0900hrs, 1200hrs and 18,00hrs.
- 7.4.14. Having visited the site mid-morning in the month of August I can confirm that the existing trees and planting on site already give rise to a degree of overshadowing and note that these will be removed as part of the development.
- 7.4.15. Having regard to the proposed terraced site levels which rise in level from north to south and proposed boundary walls, which I consider relatively modest in extent and height, I am satisfied that given the southerly and western aspect of the gardens that the overshadowing impact within the development will not be significant.
- 7.4.16. I have examined the Daylight and Sunlight Assessment prepared by H3D submitted by the applicant in response to the PA response to the First Party appeal. The assessment was prepared in accordance with the BS EN 17037:2018 Daylight in Buildings, and BRE 209' Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice, Third Edition 2022. The simulation modelling of scheme used Integrated Environmental Solutions and Trimble Sketchup software for March 21st the Spring equinox.
- 7.4.17. A window (predominantly living room windows) was assessed for each unit within the development. In summary 100% of the units met the BS EN 17037:2018 sunlight exposure recommendations of greater than 1.5 hours on March 21st which is in accordance the BS EN 17037:2018. Table 1 of the report illustrates that house no. 1 and 4 receive the least hours (4hrs and 2.5hrs respectively) while the remaining 7 no houses each receive in excess of 6 hours,
- 7.4.18. Table 2 of the report identifies the % area of each rear garden area receiving 2 hours of sunlight on March 21st. The Daylight and Sunlight Assessment analysis of amenity overshadowing showed that the proposed rear garden amenity spaces are predicted to receive the required level of sunlight (ie at least 50% of an amenity area receives two hours of sunlight on March 21st). This conforms with the BRE Guidelines for Amenity overshadowing.
- 7.4.19. The Daylight and Sunlight Assessment looked at the impact on daylight to adjacent properties. The vertical section perpendicular (VSC) analysis considered four no.

points and all have VCS above 27% thereby conforming with the BRE Guideline levels. In terms of overshadowing to adjacent gardens and open spaces, all gardens of the nearest adjoining properties pass the analysis.

Private Open Space

- 7.4.20. Reason for refusal No. 4 refers to the location of the proposed development on a prominent site with significant levels and contours requiring significant excavation and infill, which would create substandard private open space.
- 7.4.21. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) replace the Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked).
- 7.4.22. Section 5.3.2 of the Guidelines refers Private Open Space for Houses and while noting that *'the minimum private open space standard in development plans often reflects the traditional suburban separation standard and width of a dwelling'* the guidelines also promote *'a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space should be applied'*.
- 7.4.23. A specific planning policy requirement of these Guidelines SPPR 2 sets out Minimum Private Open Space Standards for Houses. For three bedroom houses a minimum private open space standard of 40sqm applies for three-bedroom houses while 50sqm applies for four bedrooms plus houses.
- 7.4.24. This compares with the Kildare County Development Plan Development Management Standards of 60sqm for three-bedroom houses and 75sqm for four-bedroom houses which is considerably higher.
- 7.4.25. The rear gardens for the terraced three bed houses on sites 1-3 range between 54sqm and 81sqm. with rear gardens for the terraced three bed houses 5-9 ranging between 63sqm and 108sqm. I note only one of the 8 no. three bed houses provides less than the minimum private open space required under the Kildare CDP, while all exceed the requirement under SPPR 2 under the Sustainable Residential Development and Compact Settlements Guidelines.

- 7.4.26. The rear garden of the four-bedroom house no 4 is stated as 92sqm, which is well in excess of the 75sqm minimum private open space required under the Kildare CDP. This also significantly exceeds the requirement under SPPR 2 under the Sustainable Residential Development and Compact Settlements Guidelines.
- 7.4.27. I am satisfied therefore that this reason for refusal no. on the grounds of residential amenity and reason for refusal no. 4 on the grounds of insufficient private open space should not be upheld by the Coimisiún.

7.5. Open Space and Landscaping

- 7.5.1. Reason for refusal no. 1 refers to the lack of open space provision which would result in a substandard development, which would be contrary to of the Kildare County Development Plan 2023- 2029 policy in relation to public open space.
- 7.5.2. Section 15.6.6 Public Open Space for Residential Development, of the Kildare County Development Plan 2023- 2029, requires a minimum of 10% of open space for developments less than 8 units and a minimum of 15% for larger sites.
- 7.5.3. The site layout as lodged provided for a 'Home Zone' area located in the south eastern part of the site. Revised site layout drawings were submitted by way of further information in response to road safety concerns raised by the Area Engineer of the planning authority. Revisions to the site layout resulted in the omission of the 'Home Zone' area.
- 7.5.4. The provision of open space appears to be at the crux of this appeal and several references are made by the appellant to discussions held on the provision of same at pre planning meetings. The Coimisiún will be aware however that Section 247 meetings are without prejudice and the application before the Coimisiún is assessed on its own merits.
- 7.5.5. Under the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) public open space is referred to as '*open spaces that form part of the public realm and are accessible to the public for the purposes of active and passive recreation. These include parks, squares or plazas, large areas of landscaping including nature-based drainage solutions, and green corridors or linear parks connecting different areas where a high environmental quality and active modes of travel are promoted.*'

- 7.5.6. Section 5.3.3 of the Guidelines refers to Public Open Space in residential schemes. Policy and Objective 5.1 recognises that *‘in the case of strategic and sustainable development sites, the minimum public open space requirement will be determined on a plan-led basis, having regard to the overall approach to public park provision within the area.’* It is also recognised that *‘in some circumstances a planning authority might decide to set aside (in part or whole) the public open space requirement arising from a development plan’, and that this ‘can occur in cases where the planning authority considers it unfeasible, due to site constraints or other factors, to locate all of the open space on site’.*
- 7.5.7. In my opinion given this sites location and proximity to the town centre, that it constitutes a sustainable infill development site. I acknowledge that the site is relatively restricted in terms of site area and accept that providing useable communal open space given the sloping nature of the site is problematic.
- 7.5.8. From my site inspection the lack of communal open space is compounded by the loss of the existing part of the site which is free from development. This area currently forms part of the visual amenity/public realm (albeit overgrown) as viewed from residential development to the east and adjoins the pedestrian link with established residential developments to the south. Notwithstanding it currently provides no other function in terms of useability, and if anything detracts from the visual amenity of the area given it is mostly overgrown.
- 7.5.9. I am satisfied that the site is well connected via existing green corridors to adjoining open space within established residential areas particularly to the south.
- 7.5.10. On balance therefore I am satisfied that in this instance the provision of public open space on this site to serve the proposed 9 no. dwellings can be set aside on the basis of the above. I consider therefore that this first reason for refusal should not be upheld.
- 7.5.11. If the Coimisiún is minded granting planning permission a suitably worded condition requiring a financial contribution within the terms of Section 48 of the Planning and Development Act 2000 (as amended) in lieu of provision within the application site may be attached.
- 7.5.12. I would note that the PA sought further information in relation to items 6 and 7 of the further information requests. While the applicant indicated in their response that a

Landscape Architect had been appointed and a Landscape Plan (Drawing no. 1) was submitted with the response, this was not considered adequate by the Parks Section of the PA who recommended further revisions.

- 7.5.13. In particular the Parks Section recommended additional tree planting along with other suitable planting to soften the view of the development.
- 7.5.14. The PA also sought further information in relation to an Arboricultural Assessment Report of the site. The applicant indicated in their response that an Arboriculture Consultant had been appointed, and a Tree survey and Constraints plan (Drawing No. 250117-P-10) and Tree Removals Plan (Drawing 250117-P-11) were submitted. While the proposals submitted were acceptable to the Parks Section of the PA, outstanding items in relation to the management of Japanese Knotweed present on site and the likelihood of bats using the site were not considered to have been adequately addressed by the PA. These issues are addressed under section 7.7 of this report.
- 7.5.15. I have had regard to the Tree Survey submitted with the application, and the Landscape Master Plan and Arboriculture Report submitted by way of further information. I have also had regard to the Amended landscape plan prepared by Landmark Design & Consultancy Ltd. submitted with the grounds of appeal.
- 7.5.16. The Arborists report notes that the majority of trees to be removed are of low quality and value, which I can confirm from my site visit. I note that none of the existing trees on site are protected by way of a TPO under the Naas Local Area Plan 2021-2027 or Kildare County Development Plan 2023-2029, and their removal is acceptable to the Parks Section of the PA.
- 7.5.17. I welcome the amendments to the landscape plan which indicates a row of 3 trees to the north of the site and am satisfied that with new trees planted in each rear garden to form two natural rows/liner features will benefit the overall scheme. I also welcome the addition of native hedgerow planting proposed along the side boundaries to the front between each unit and along the southern road side boundary of house no. 9.
- 7.5.18. I am satisfied that these new trees will form a linear ecological link to each other (two rows) and to the site to the west in terms of an ecological stepping stone.

7.5.19. I am satisfied therefore that reason for refusal should not be upheld in this instance.

7.6. Access, Traffic Safety and Parking

7.6.1. The existing vehicular access to the site is via the existing access road with access to parking on the southern and higher part of the site. This vehicular access continues west and serving three no. houses on Millbrook Villas before ending in a cul de sac.

7.6.2. It is proposed to relocate this entrance road such that it runs along the eastern part of the site. Each of the proposed dwellings will be provided with two no. car parking spaces located within the curtilage of each dwelling.

7.6.3. Concern was raised by the Area Engineer of the planning authority in relation to traffic and pedestrian safety. However revised drawings submitted by way of further information addressed these concerns most notably with the omission of the home zone area where a conflict arose with the turning circle available for service vehicles.

7.6.4. I note the road to the east will be upgraded and consist of a 5.5m road and include a dedicated entry point into the car park to the east (which is not in the applicants ownership). A dedicated footpath will be provided along the east of the site where currently there is none.

7.6.5. I am satisfied that the proposed development located along a cul de sac provides for an enhanced vehicular access, pedestrian safety and car parking and will therefore not give rise to a traffic hazard.

7.7. Surface Water Drainage

7.7.1. Reason for Refusal no. 3 refers to the lack of nature-based solutions for surface water drainage.

7.7.2. I have examined the drawings submitted with the application to the PA which lack any surface water details in terms of surface water attenuation, permeable paving, etc. I note the concerns raised by the Water Services Section of the PA in relation to surface water management on the entrance road including SuDS proposals, and the applicant's response to a further information request, which the Water Services Section of the PA sought clarification.

- 7.7.3. I also have had regard to the details submitted with the grounds of appeal which clearly show the use of permeable paving to the front of each dwelling, with soakaway details indicated in front and rear gardens as well as within the turning circle at the southeastern end of the site and the linear area of grass along the eastern boundary of the site.
- 7.7.4. I have also had regard to the S1-0001A Services Layout Drawing and Surface Water Scheme Implementation Report prepared by Furey Consulting Engineers submitted in response to the Section131 request by the Coimisiun.
- 7.7.5. The report submitted outlines the overall design, nature-based systems, and suds maintenance proposals. Appendix A includes surface water design calculations, and appendix B includes an infiltration test report prepared by LOH Consulting Ltd.
- 7.7.6. The surface water design calculations identify the extent of the infiltration areas in m² and volumes in m³ for each front and rear garden area and 4 sections of the road area. In each the volumes of surface water appear to be capable of infiltration within each garden and road area identified. Calculations are also provided for a 5year, 30year and 100year storm event and appear to ok.
- 7.7.7. In terms of soakways, two no. trial holes were excavated to a depth of 2.1m and soakway tests carried out on 15th February 2024. No ground water was encountered and the soil infiltration rate then informed the design of the soakways and attenuation requirements. The report concludes that the subsoil is well drained due to the presence of gravel and that the soil will allow for the discharge of storm water to the ground water, at an infiltration rate of 0.25m/hr.
- 7.7.8. In my opinion surface water management details including SuDS proposals can be dealt with by agreement with the PA. If the Coimisiún are minded granting planning permission, then this can be addressed by way of a suitably worded condition.
- 7.7.9. I am satisfied therefore that the proposed development would not be contrary to Policy on Sustainable Urban Drainage (H0 050 and Section 15.4) of the Kildare County Development Plan 2023-2029.

7.8. Ecology

- 7.8.1. Reason for Refusal no. 3 refers to the lack of nature-based solutions for surface water drainage, and the related impact on ecology given the location of the site in proximity to and between green infrastructure corridors, as such acting as an important 'stepping stone' to link them.
- 7.8.2. The likelihood of bats being present on site is referenced together with the 'severe' loss of existing flora and fauna.
- 7.8.3. The link made by the PA between the loss of flora and fauna which could be mitigated with the use of nature-based solutions is in my opinion overstated. The site is restricted in area and naturally slopes towards the northern end of the site which is already served by existing urban surface water infrastructure.

Green Infrastructure Corridors

- 7.8.4. Green Infrastructure (BI P1) of the Kildare County Development Plan 2023-2029 seeks to avoid 'impacts where possible, minimising adverse impacts'. I have had regard to the location of the site relative to GI Corridor Map 5 – Fairgreen Lakes and GI Corridor 7 – Craddockstown and Castlesize Stream (as Identified in the Naas Local Area Plan 2021-2027).
- 7.8.5. The appellant however disputes that the site is located within or adjacent to GI corridor 5 or 7. It is further submitted that there is no evidence to support that the existing site has supported the ecological area of the Castlesize River which is 130m away and physically divorced from each other by existing housing.
- 7.8.6. In my opinion given the restricted nature and area of the site the scope for providing sufficient planting in an urban area to act as a stepping stone between the Green Infrastructure Corridors identified is limited.
- 7.8.7. I concur with the appellant that the subject site is not directly linked to GI Corridor Map 5 and GI Corridor 7. Issues relating to existing trees and proposed landscaping are addressed under section 7.5 of this report.
- 7.8.8. I am satisfied therefore, that the proposed development would not be contrary to (BI P1) of the Kildare County Development Plan 2023-2029.

Invasive Species

- 7.9. Reason for Refusal no. 5 refers to the significant levels and contours requiring significant excavation and infill, where an invasive species (Japanese Knotweed) has been identified and where an Invasive Species Management Plan in order to comply with the provisions of the European Communities (Birds and Natural Habitats) Regulations 2011- 2015 has not accompanied the application.
- 7.10. I accept that site development works required to accommodate the proposed stepped finished floor levels and site levels to provide front and rear gardens will require significant excavation and infill works.
- 7.10.1. I can also confirm from my site visit evidence of Japanese Knotweed on site and particularly along the western boundary. While I concur with the PA that an Invasive Species Management Plan is required, I am also of the view that this can be submitted as a requirement of any grant of permission. If the Coimisiún are minded granting planning permission then this, I would suggest can be addressed by way of a suitably worded condition.
- 7.10.2. I am satisfied that the proposed development subject to the submission of an Invasive Species Management Plan for agreement with the PA would not be contrary to Policy Objective BI P9 and BI 058 of the Kildare County Development Plan 2023-2029.
- 7.10.3. I also draw the Coimisiúns attention to the related issue cited in reason for refusal no. 6 regarding insufficient information in respect of the disposal of excavation material where there is a known invasive species on site.
- 7.10.4. I have had regard to the Construction and Demolition Management Plan submitted with the application.
- 7.10.5. Again, I am of the view that the submission of an CEMP could address the disposal of excavated material, and that this can be submitted as a requirement of any grant of permission. If the Coimisiún are minded granting planning permission then this, I would suggest can be addressed by way of a suitably worded condition.
- 7.10.6. I am satisfied therefore that reasons for refusal no. 5 and 6 should not be upheld.

Bats

- 7.10.7. Reason for refusal no. 3 refers to the likelihood of bats being present on the site while reason for refusal no. 6 states that insufficient information has been submitted with regard to a thorough bat survey.
- 7.10.8. I have had regard to the Ecological Impact Assessment (EIA) and Lighting layout plan submitted with the application, together with the response prepared by Panther Ecology Ltd Report submitted with the grounds of appeal.
- 7.10.9. The EIA refers to the preliminary bat survey carried out on the 14th February 2024 and that areas within the site with the 'potential to support bat roosts and / or foraging / commuting routes, and which have the potential to be impacted upon by the proposed development' were the main focus of the survey which concluded that further survey work would be required to determine whether or not bats are present.
- 7.10.10. The PA consider that a bat survey should be carried out during the maternity months (May-September).
- 7.10.11. I also note the response in the grounds of appeal prepared by response prepared by Panther Ecology Ltd submits that the house structure is unlikely to provide day/night roosting for bats. The report also states that the active season for bats is between (end of March/April to September).
- 7.10.12. The Panther Ecology Ltd response acknowledges that the removal of all trees including linear landscape features (tree lines) could impact bat commuting dynamics in the area and that incorporation of new planting within the design would reduce the potential impacts on commuting / foraging bats if present. It also refers the applicant being open to a condition requiring the erection of bat boxes in all 5 trees proposed to be planted.
- 7.10.13. I can also confirm from my site visit that the nature of the existing single storey house structure, surrounding planting and mature trees on site, which are relatively undisturbed and are not subject to light pollution have the potential for bat activity.
- 7.10.14. I have also had regard to conditions attached by the Coimisiún previously on the development of the adjoining site which may also be appropriate to the subject site. If the Coimisiún are minded granting planning permission then this, I would suggest can be addressed by way of a suitably worded condition.

7.10.15. I am satisfied therefore that reasons for refusal no. 3, 5 and 6 should not be upheld.

8.0 AA Screening

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 proposed development 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. Further detail is included within Appendix 3 of this report.

This conclusion is based on:

- Objective information presented, Ecological Impact Assessment, Tree Survey, Arboricultural Report,
- Construction and Demolition Management Plan
- Method Statement and Risk Assessment of Demolition Works,
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.

I note that 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 should be **granted** subject to conditions for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the infill nature of the proposed development located on existing residential/infill zoned lands in the Naas Local Area Plan, the development standards

in the Kildare County Development Plan 2023-2029, and the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 4th day of November 2024, and the 5th day of March 2025, and as amended on appeal submitted 28th day of April 2025, and 18th day of June except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

7. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. The construction of the development shall be managed in accordance with an Invasive Species Management Plan prepared by an ecologist, 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for storage, separation and collection of waste and, in particular, recyclable materials and for the ongoing operation of these facilities within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

13. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

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

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

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

shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Susan McHugh
Senior Planning Inspector

26th August 2025

Appendix 1:
EIA Pre-Screening

Case Reference	ABP-322381-25
Proposed Development Summary	9 houses with ancillary and associated site development works
Development Address	Millbrook, Naas, Co. Kildare
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input checked="" type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	Class 10(b)(i) 500 residential units
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10(b)(i) 500 residential units 9 no. dwellings proposed</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2:**EIA Preliminary Examination**

Case Reference	ABP-322381-25
Proposed Development Summary	9 houses with ancillary and associated site development works
Development Address	Millbrook, Naas, Co. Kildare
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).	The proposed development is for a small infill residential development within the settlement boundary of Naas which has a significant number of existing residential and commercial developments. The site is connected to public services and is consistent with the pattern of development in the area.
Location of development (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).	Briefly comment on the location of the development, having regard to the criteria listed No designations apply to the subject site. The development would be connected to the public wastewater services.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the characteristics of the development and the sensitivity of its location, consider the potential for SIGNIFICANT effects, not just effects.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA

There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. In addition, the application is supported by the following documentation

- Ecological Impact Assessment,
- Tree Survey,
- Arboricultural Report,
- Construction and Demolition Management Plan
- Method Statement and Risk Assessment of Demolition Works, and,

These documents have been prepared on behalf of the Applicant and the objective information presented informs the screening determination.

The site is located on Millbrook Court within the town centre of Naas, Co. Kildare. I have provided a detailed description of the site location and its surrounding context in section 1 of my report, while the development is described in detail in section 2. Detailed specifications of the proposed development are provided in other planning documents provided by the Applicant. In summary, the development seeks planning consent for the construction of small infill residential development comprising a total of 9 no. residential units (houses). The development will also include all ancillary site works.

I am satisfied that the information allows for a complete examination and identification of any likely significant effects of the development, alone or in combination with other plans or projects, on European Sites.

There are no Natura Sites within the immediate vicinity of the appeal site. The nearest designated site (Red Bog Kildare (Site Code 000397)) is located c. 7.7km to the west of the appeal site.

European site (SAC/SPA)	Site code	Distance to subject site	Connections (source, pathway, receptor)	Considered further in Screening (Y/N)
Red Bog, Kildare SAC	000397	7.7km	No potential connections	N
Mouds Bog SAC	002231	9.3km	No potential connections	N

In the case of the each of the SACs, there are no direct or indirect hydrological pathways from the proposed development site to the European Sites. Potential significant effects are unlikely as there are no source – pathway – receptor linkages and each European Site is therefore screened out. In this regard, it is considered that

the construction and operation of the proposed development will not impact on the conservation interests of the Designated Sites and no potential impacts are foreseen.

Step 2: Potential impact mechanisms from the project

The proposed development will have no significant effects upon the designated sites identified. It is noted that there are no individual elements of the proposed project that are likely to give rise to negative impacts on these aforementioned sites. In addition, there is a sufficient distance between the application site and all designated areas within its Zone of Influence to ensure that no impacts will arise. Furthermore, there are no source-pathway-receptor linkages between the application site and the designated areas identified. Having regard to the foregoing, there will be no direct, indirect or cumulative impacts upon the qualifying interest (habitat or species) arising from the proposed development.

Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

N/A

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

The development of this infill residential scheme is catered for through land use planning, including the Kildare County Development Plan, 2023-2029, covering the location of the application site and the Naas Local Area Plan, 2021-2027. These plans have been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is located on serviced and zoned lands in a central urban area. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water.

I have considered 'In-Combination/Cumulative Impacts' in terms of other developments or proposed developments in the Naas area and potential cumulative impacts were considered. I have had regard to a number of permitted developments within the site surrounds; these mainly relate to other commercial or residential developments and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would

apply regardless of connection to European Sites). Therefore, I conclude on the basis of objective information, that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

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 proposed development 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, Ecological Impact Assessment, Tree Survey, Arboricultural Report,
- Construction and Demolition Management Plan
- Method Statement and Risk Assessment of Demolition Works,
- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.

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

Appendix 4

Screening the need for Water Framework Directive Assessment

Determination

The subject site is located c. 25m west of the Mill Race.

The proposed development comprises demolition of single storey house and construction of nine no. two storey houses.

No water deterioration concerns were raised in the planning appeal. An issue was raised by the Water Services section of the Planning Authority in relation to the management of surface water on the entrance road including SuDS proposals.

While the Water Services section of the Planning Authority sought clarification on the detail design of surface water management proposals I am satisfied these can be agreed in writing with the PA prior to commencement of development.

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Small scale and nature of the development
- Location-distance from the nearest Water bodies and/or lack of hydrological connections

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.