



An
Coimisiún
Pleanála

Inspector's Report

ABP-322713-25

Development

A retirement village comprising 92 no. residential units and a recreational building with ancillary and associated development works.

Location

Curragh Road Athgarvan, Newbridge, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2460775

Applicant(s)

ARC Villages Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

ARC Villages Limited

Observer(s)

Paul Brown

Cllr. Tracey O'Dwyer

Rosemount Court Residents
Association

Marie Flynn

Rita Cosgrove
Athgarvan GAA
Gavin Cosgrove

Date of Site Inspection

9th September 2025

Inspector

Elaine Power

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1.0 Site Location and Description

- 1.1. The appeal site is located within the village of Athgarvan on the southern side of the Curragh Road. The site is located c. 3.5km south of Newbridge and c. 4km north of Kilcullen, Co. Kildare. The surrounding area is suburban in nature.
- 1.2. The site is irregular in shape and has a stated area of c. 5.79ha. It currently accommodates 2 no. dwellings and associated agricultural sheds and agricultural lands. The site is generally bounded to the north by the Curragh Road and to the south by agricultural lands. To the west the site is bound by the part completed and part constructed Blackrath Vale Residential estate (approved under Reg. Ref. 19/117 and Reg. Ref. 19/118) and a single detached dwelling. To the east the site is bound by agricultural lands, which are subject to a concurrent appeal (ABP. 322712-25) for 42 no. residential units on the adjoining site to the east of the appeal site.
- 1.3. The site is gently sloping in and north south direction, with a level difference of c. 5m between the sites lowest point at Curragh Road and the highest point at its southern boundary. The site also slopes upwards in a western direction, with a steeply sloping section at the sites western boundary, with a level difference of c. 13m the sites lowest point at Curragh Road and the highest point at its western boundary.
- 1.4. The site boundaries generally comprise mature native hedgerows with some mature native hedgerow traversing the site. There is an existing agricultural access to the site from the Curragh Road.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of 2no. vacant and derelict dwellings and associated outbuildings (349sqm) and the construction of a retirement villages with 92 no. residential units, 80 no. houses and 12 no. apartments, comprising 12 no. 1-bed and 80 no. 2-bed units ranging in height from single to 2-storeys and the construction of a new single storey recreational building (c.479.3 sqm). Access to the development is proposed via the Curragh Road, with vehicular and pedestrian access gates and the provision of a new footpath, cycle path and boundary planting along the site's boundary with the Curragh Road. The scheme also includes the provision of a centralised area of open space (18,337 sqm), communal open space (c. 8128 sqm),

134 no. car parking spaces and 32 no. bicycle parking spaces, 2 no. ESB Substation Kiosks and all development and infrastructural works to facilitate the scheme.

2.2. The works also include the diversion of 38kv ESB overhead lines underground and erection of 1 no. new mast (c.12m)

2.3. Following the receipt of significant further information the number of residential units was reduced to 86 no. and the site area was marginally increased to 5.8ha.

2.4. Key Development Statistics are outlined below:

	Proposed Development	Revised Development
Site Area	5.79 ha (Gross) 3.45 ha (Net)	5.8 ha (Gross) 3.45 ha (Net)
No. of Units	92 no.	86 no.
Unit Mix	12 no. 1-bed and 80 no. 2-beds	12 no. 1-beds and 74 no. 2-beds
Density	26.7 dph	27.1 dph
Height	1 – 2 storeys	1 – 2 storeys
Other Uses	Recreational Building (479sqm)	Recreational Building (563.8sqm)
Public Open Space	24,003 sqm (41%)	25,852 sqm (44.5%)
Car Parking	125 no.	114 no.
Bicycle Parking	32 no.	36 no.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons:

1. Having regard to the “E- Community and Educational” zoning on site where the objective is “To provide for community and educational facilities. The purpose of this zoning is to facilitate the extension of existing and the provision of new

community and educational facilities” a retirement village is open for consideration, where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone. The Planning Authority is of the opinion that the proposed retirement village located on mainly Community and Educational zoned lands materially contravenes the zoning objective as the only proposed community element on this E zoned lands is a “community building” with limited access to members of the public, a management regime that is beyond the control of the Local Authority/or similar and is in a location at a remove from the public road. The proposed development would therefore materially contravene the E zoned lands on site and is contrary to the proper planning and sustainable development of the area.

2. The Planning Authority is of the opinion that the proposed courtyards are considered to be semi-private open space and not public open space and open space area E given its steep topography should not form part of the public open space calculation, resulting in a significant shortfall in public open space provision. Having regard to the inadequate public open space provision on lands not zoned for open space and amenity purposes, it is considered that the proposed development falls significantly short of the required useable public open space provision and therefore represents a substandard form of development. The proposed development would contravene section 15.6.6 of the Kildare County Development Plan 2023-2029 and Policy Objective 5.1 Sustainable and Compact Settlements Guidelines for Planning Authorities 2024. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
3. Policy HO P1 of the Kildare County Development Plan 2023-2029 seeks to have regard to the Design Manual for Urban Roads and Streets, additionally, objective UD 01 seeks to require a high standard of urban design to be integrated into the design and layout of all new developments. Having regard to the long length of road, lack of footpaths in trafficked areas and wide carriageways, it is considered the proposed development would not comply with Objective UD 01 of the Kildare County Development Plan 2023-2029 and would also be contrary to the Design Manual for Urban Roads and Streets. Furthermore, it is considered that the proposed development due to the long

length of road, lack of footpaths in trafficked areas and wide carriageways would result in the potential for speeding motorists and would endanger public safety by reason of traffic hazard. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planners report dated 27th September 2024 raised a number of concerns regarding the proposed development and recommended that 27 no. items of further information be requested. These are summarised below.

1. The proposed development, in its current form, with no community focused uses on the Community Education zoned lands is considered to be contrary to this land use zoning objective.

The Open Space and Recreational Amenity zoned lands is not available to the general public which does not accord with the zoning objective.

The proposed recreational building does not include any genuine community aspect.

The proposed development in its current format does not conform with the land use zonings on the application site. Therefore, the Applicants are strongly advised to submit a revised site layout relocating the recreation building to the Education and Community zoned lands addressing the public road, omitting the gated entrance, removal of the defensible boundary treatment along the eastern side of the open space area, and confirm the recreation building and all Open Space and Recreational Amenity zoned lands will be made available to members of the general public.

2. The applicants are requested to submit:
 - a. A revised site layout plan including all lands in their ownership within the blue line boundary and their intentions for all of these lands.
 - b. A revised site layout plan with all lands which they intend to give to Kildare County Council within the red line boundary.

- c. A topographical survey of this site and details outlining whether it would be suitable in area and topography for a playing pitch/es.
 - d. Outline the mechanism by which lands as will be given to Kildare County Council.
 - e. Outline how these lands are to be accessed.
3. (a) The significant loss of mature native hedgerow on the Curragh Road would contravene Section 15.2.4 of the Development Plan. The proposed footpath/cyclepath is required to be relocated to the inside of the hedgerow. Submit revised proposals.
- (b) It is noted that hedge 1 is marked in for retention and there are proposed buildings indicated along Hedge 1. The Applicants are requested to clarify same.
- (c) Hedge 4 which is indicated to be retained between the proposed development, and the neighbouring properties should be developed so as to ensure there is no “no man’s land” created and the protection of the hedge.
4. (a) Submit revised proposal with no gates included on site.
- Additionally, the proposed 2m high boundary along the eastern side of the site is required to be omitted and replaced with a low bow top railing no higher than 1.2m in height with a native hedgerow planting and appropriate pedestrian access points.
- (b) in order to open the F Open Space and Amenity zoned lands to the general community.
- (c) The applicants are requested to provide details of the proposed access arrangements, and appropriate designed boundary treatment for the allotments
5. Submit revised details in relation to the following: (a) All units that address the Curragh road are to be significantly revised to provide a higher architectural quality and appropriate contemporary interpretation of vernacular.
- (b) CGI’s of the revised units along the Curragh road within the existing hedgerow maintained are required.

- (c) The layout in the northwestern corner of the site to be revised to provide a suitably overlooked open space area.
 - (d) The use of any timber cladding on any elevation is to be omitted.
 - (e) All end of terrace units that address any public spaces are to be revised to include additional architectural detailing to improve the level of passive surveillance within the scheme and increase the architectural quality of these units.
6. Outline how the proposed units will be restricted to people who are 65+years on an on-going basis.
- 7.(a) Clearly outline the extent of public open space on the lands that are not zoned for F Open Space and Amenity and demonstrate how the proposal conforms with Policy and Objective 5.1 of the Compact Settlement Guidelines for Planning Authorities and section 15.6.6 of the KCDP 2023-2029 in relation to areas of high gradient and narrow tracks of land.
- (b) Liaise with the Parks section in relation to any revised open space layout that is proposed to be taken in charge in relation to planting, materials, equipment, etc.
8. The applicants are strongly advised to revise the surface water design for both of the catchments to remove the proposed underground ACO Stormbrixx System and replace same with a nature based above ground solutions such as detention basins.
9. The sustainable drainage systems design shall cater for the 1 in 100 year storm event and with an allowance of +30% in order to cater for “climate change” and an additional 10% for Urban creep. The applicant is required to ensure that surface water from the development does not discharge to a point where neighbouring developments would be at risk of flooding. Revised details are required accordingly.
10. In relation to the proposed recreational building, rainwater harvesting is required to be implemented and potentially blue/green roof technology should be explored. The applicants are requested to submit revised details in this regard.

11. Provide design details for safe pedestrian and cycle route on both sides of the Curragh Road (L2032) whilst maintaining the existing boundary hedgerow on the application site.

The Applicant is requested to conduct a topographical survey and examine the space between the back of the northern and southern footpaths and propose a solution that is compatible with the road alignment, typical vehicle speeds and the objective to provide a footpath/cycle path of the Development Plan.

Identify the works required.

Consult with an Arborist.

The Applicant's provisions should include the approaches to the development, the entire frontage along the Curragh Road (L2032); details of proposed road improvements, cross-sections every 25m with road carriageway.

Note the missing footpath linkage on the southern side of the local road L2032 outside the site frontage; on the eastern side between the proposed Retirement Village and the Athgarvan Signalised Crossroads (L2032/R416) and on the western side as far as the Curragh Primary School along the R413.

In order to avoid traffic hazard, the Applicant is requested to outline proposals to connect or improve either discontinuous or narrow footway and provide cycle tracks. Where the above works are in front of third-party lands, the applicant is requested to confirm a willingness to make a financial contribution to the local authority to construct the concrete footpaths.

12. Prepare detail drawing for future permeability linkage between neighbouring developments.
13. Demonstrate that the carriageway and footpath will be adequately lit. Demonstrate that the vulnerable road user corridor will have adequate passive surveillance for the new development. Demonstrate that cyclists will have beneficial improvements in both directions along the site frontage of the Curragh Road (L2032).
14. Design the inclusion of a Bus Stop along the Curragh Road L2032. As bus stops in opposite directions should be nearby, the applicant is requested to consider

the provision of a dropped kerb for the existing footpath on the opposite side of the road also in the design drawings.

15. Incorporate the following revisions to the main road design proposals and resubmit relevant drawings showing:

- (a) a minimum of 2m wide footpath and a 2m wide cycle-track on both sides of the carriageway of both the Curragh Road (L2032), at the junction and along the frontage whilst also maintaining the hedgerow.

- (b) A minimum 6m vehicular carriageway width on the Curragh Road (L2032).;

- (c) Indicative locations for bus stops, on either side of the Curragh Road (L2032).

16. Within the development, the Applicant is requested to ensure that carriageway widths are 6 metres for main access roads and 5.5 metres for side roads, with 2-metre-wide footpath and a 1-metre-wide grass verge on either side of the carriageway.

17. Prepare a revised Road Safety Assessment/ Audit (RSA) Stage 1 and 2.

In addition to the stage 2 RSA for the internal development, include details of the design drawing for the bus stop, missing footpath along third party frontage, to be delivered with the development.

18. Seek a letter of consent from the Director of Services for Roads, Transportation and Public Safety to conduct necessary combined footpath/ cycleway and junction improvement works.

19. Examine the use of perpendicular to kerb parking at the edge of the carriageway for the internal roads, as there is an increased risk of side-swipe collisions.

20. Demonstrate that permeable paving in the recessed parking bays in the public areas, will be interlocking/ keyed paving so that it will be made durable, to withstand shear loads arising from turning vehicles. Demonstrate how the shared surface will have adequate slip/ skid resistance into the future.

21. (a) Ideally parking should be within the curtilage of individual housing units or private spaces tied to the units are provided, electrical charge points to be provided to allow for the charging of Electric Vehicles (EVs), linked to the individual domestic smart electricity meter without any trip hazards.

(b) Where parking associated with units is being supplied on street, dedicated charging points for use by residents are to be provided adjacent to parking spaces.

22. Conduct a revised swept path analysis such as “auto-track” to demonstrate manoeuvrability, both for a fire engine, furniture lorry and a refuse truck for all areas of the development, following revision to the layouts.
23. Clarify the location of the proposed bicycle parking spaces. Cycle parking should be secure, accessible, sheltered, secure, lit and with passive surveillance.
24. Submit details for the root management system to be used where trees are planted adjacent to roads and/or footpaths.
25. Submit an A1 size Lux Contour drawing clearly showing the uniformity coefficients and a ducting and wiring drawing clearly shown the locations of the micro-pillars.
26. The capacity of healthcare practices has not been examined. Amend the social infrastructure assessment to have due regard to for capacity within the local health care services.
27. Submit revised taking in charge drawings.

3.2.2. Other Technical Reports

Housing Section: Report dated 26th September 2024 raised no objection subject to conditions.

Transport / Roads Planning Section: Report dated 25th September 2024 recommended that further information be sought regarding the following items:

- 1) note that there is roads/ cycleway/ footpath objective along the Curragh Road L2032.
- 2) detail drawing for future permeability linkages.
- 3) Consider setting back the frontage and placing the cycle track and footpath behind the hedgerow along the site frontage.
- 4) Demonstrate that the carriageway and footpath will be adequately.

- 5) Provide design details for safe pedestrian and cycle route on both sides of the Curragh Road (L2032).
- 6) Design the provision of a Bus Stop for the site frontage along the Curragh Road L2032.
- 7) revisions to the main road design to ensure a minimum 2m wide footpath and 6 m wide carriageway and indicative bus stops.
- 8) within the development the main carriageway should be 6m in width and the side roads should be 5.5m in width.
- 9) prepare a Stage 1 and Stage 2 RSA.
- 10) letter of consent from the Director of Services for Roads, Transportation and Public Safety to conduct necessary combined footpath/ cycleway and junction improvement works.
- 11) Examine the use of perpendicular to kerb parking at the edge of the carriageway for the internal roads.
- 12) Demonstrate that permeable paving in the recessed parking bays will be interlocking/ keyed paving.
- 13) On-street and grouped car parking spaces should not be sold or let independently and these spaces should not be marked or otherwise reserved for the exclusive use of any residential unit.
- 14) Ideally parking should be within the curtilage of individual housing units or private spaces tied to the units are provided, electrical charge points to be provided to allow for the charging of Electric Vehicles (EVs), linked to the individual domestic smart electricity meter without any trip hazards.
- 15) Conduct a revised swept path analysis such as “auto-track” to demonstrate manoeuvrability, both for a fire engine, furniture lorry and a refuse truck for all areas of the development, following revision to the layouts.
- 16) Clarify the location of the proposed bicycle parking spaces. Cycle parking should be secure, accessible, sheltered, secure, lit and with passive surveillance.

17) Submit details for the root management system to be used where trees are planted adjacent to roads and/or footpaths.

18) Submit an A1 size Lux Contour drawing clearly showing the uniformity coefficients and a ducting and wiring drawing clearly shown the locations of the micro-pillars.

Report dated 6th May 2025 recommended that permission be refused as the proposed development on the grounds of traffic hazard, as the development would endanger public safety due to the road layout and lack of dedicated footpaths.

Parks and Landscaping Section: Report dated 6th September 2024 recommended that permission be granted subject to conditions.

Report dated 7th May 2025 recommended that the scheme be refused for the following reasons:

- The site requires substantial reassessment and re-evaluation in relation to design aspects, use of the community aspects by the general public, and to how the future management of the site will be carried out.
- Public Open Space E, adjacent to the Curragh Road, is not considered suitable for taking in charge and should remain under the ownership and maintenance of the proposed development.
- The proposed 500-year lease arrangement for amenity lands to the south is not considered an appropriate mechanism for long-term land ownership or public management. Lands intended for public use must be vested in the Local Authority and developed to an appropriate standard (e.g., playing pitches, access, lighting, and parking) before vesting.
- Excluding the proposed community lands, the quantum of usable public open space is considered insufficient. Remaining spaces are limited in function and may be constrained by challenging site topography, reducing accessibility.
- The long-term governance and integration of community lands into the wider village remain unclear. The proposals fail to demonstrate a viable and sustainable operational and financial management framework. As submitted, the application does not adequately ensure public access or safeguard against undue cost burdens on future residents or the wider community.

Community Department: Report (undated) refers to both the proposed development and the adjacent residential development. It states that the preferred option from is that a community building is vested to Kildare County Council or a similar organisation, therefore removing any third-party management proposal and guaranteeing access to all members of the public.

Fire Services: Report dated 17th September 2024 raised no objection subject to conditions.

Environment Section: Reports dated 5th September 2024, and 29th April 2025 raised no objection subject to conditions.

Water Services: Report dated 20th September recommended that further information be sought with regard to the following items:

- 1) The applicants are strongly advised to revise the surface water design for both of the catchments to remove the proposed underground ACO Stormbrixx System and replace same with a nature based above ground solutions such as detention basins.
- 2) The sustainable drainage systems design shall cater for the 1 in 100 year storm event and with an allowance of +30% in order to cater for “climate change” and an additional 10% for Urban creep. The applicant is required to ensure that surface water from the development does not discharge to a point where neighbouring developments would be at risk of flooding. Revised details are required accordingly.
- 3) In relation to the proposed recreational building, rainwater harvesting is required to be implemented, and potentially blue/green roof technology should be explored. The applicants are requested to submit revised details in this regard.

These items were incorporated into the planning authority's request for further information.

Report dated 28th April 2025 raised no objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. **Third Party Observations**

The information provided on the planning authority's website indicates that approx. 131 no. submissions were received during both the application and the further information stage of the application. The concerns raised are similar to those outlined in the third party submissions below.

4.0 **Planning History**

Subject site

None

Surrounding sites

ABP 322712-235, Reg. Ref. 24/60776: Permission was refused in May 2025 for the construction of 42 no. houses on the site to the east of the appeal site. The reasons for refused related to (1) the sites zoning objective, (2) poor quality design and layout and (3) traffic hazard. This decision is currently on appeal.

ABP.300835-18, Reg. Ref. 17/393: Permission was granted in 2019 for the construction of a mixed use development 5 no. ground floor commercial units including an accountant, a doctors surgery, chemist, restaurant and office unit and 3 no. apartments above, 6 no. houses and 6 no. age friendly houses at the cross roads in Athgarvan village centre, c. 400m east of the appeal site. These units are partly constructed.

Reg. Ref. 19/745: Permission was granted in 2020 for a mixed use development comprising a shop unit, community use unit and 2no. apartments at ground floor level and 1no. Medical Unit, 1no. Office unit and 4no. apartment units at first floor level. This development is under construction.

Part 8 Housing Scheme P82018-010: The provision of 20 no. residential units was approved in 2018 on a site located c. 200m west of the appeal site, which is to the west of the existing Mountain View housing estate.

Reg. Ref. 19/117: Permission was granted in 2020 for the construction of 95 no. residential units that would be accessed via the road permitted under the Part 8

scheme. This site is located immediately south and west of the appeal site. This development is part constructed and referred to as Blackrath Vale.

Reg. Ref. 19/118: Permission was granted in 2020 for the construction of 18 no. residential units. This development would also be accessed via the road permitted under the Part 8 scheme. The access road is immediately south west of the appeal site while the residential units are c. 80m south west of the appeal site. This development is currently under construction.

5.0 Policy Context

5.1. Athgarvan Village Renewal Masterplan, 2024

The masterplan is a non-statutory document published in January 2024 which set out conceptual plan for a settlement. While this document is non-statutory it is noted that Policy AD A3 of the Development Plan it to prepare and implement on a phased basis Village Renewal Masterplans for a number of settlements including Athgarvan. This is also supported by Policy UD O6 to prepare and implement Town / Village Renewal Masterplans for settlements of all sizes across the county.

The plan states that Athgarvan has a population of 1,193 people (Census 2022).

No large public park is provided in Athgarvan, however, it is located adjacent to the Curragh Plains. Residents of Athgarvan have access links to a wide range of recreational and amenity assets, both within and outside the village boundary such as rugby, GAA, golf, walking, fishing etc. Natural heritage assets within the village include the River Liffey, which meanders along its route to the east of the village and the Curragh Plains which abuts the western boundary.

Principles of Development include:

- Consolidating development within the village centre area followed by the sequential development of land in a logical progression from the village centre.
- Supporting employment opportunities while also supporting social inclusion and community development within the village.

- Facilitating development in Athgarvan in line with the ability of local services to cater for growth.
- Protecting and preserving the quality of the landscape in Athgarvan and The Curragh including open space, natural, architectural, archaeological, and cultural heritage.
- Facilitating the development of amenities in the village.

Residential, community and education, open space and amenity and agricultural uses are identified on the subject site. Potential for improved walking routes / links are also identified.

The map on page 18 also identifies The Old Farm on the Curragh Road as a site 'with great potential for redevelopment'. While the boundary of the The Old Farm is not identified it generally appears to relate to the appeal site.

The Local Opportunities Map (page 21) identifies the site an opportunity site (8) to support the provision of community and recreational uses including all weather sports pitches and playground in a central village location to enhance community amenities in the village.

The key recommendations for Curragh Road a include

- Tighten turning radii.
- Introduce traffic calming.
- Widen existing footpaths.
- Provide continuous footpath on south side of Curragh Road to unlock zoned lands.
- Consider the provision of Cycle infrastructure along Curragh Road to link town centre with education/sports area.

5.2. Kildare County Development Plan

Volume 2 Small Towns, Environs, Villages and Rural Settlements of the Development Plan identifies Athgarvan as a village. Map V2-3.2a sets out the land use zoning objectives for Athgarvan. The appeal site is subject to 4 no. zoning objectives, in this regard, Community and Education, New Residential, Existing Residential / Infill and F

Open Space and Amenity. A retirement village is open for consideration on lands zoned Community and Education, New Residential and Existing Residential / Infill and is not permitted on lands zoned for Open Space and Amenity.

Map V2-3.2b sets out the Objectives for the village. There is a Roads / Cycleway / Footpath Objective along the Curragh Road at the sites northern boundary.

Table 3.3 of the plan notes that 7.5 ha of land in Athgarvan is zoned for New Residential. Section 3.8 of Volume 2 notes that the population of Athgarvan increased by 15.7% between 2011 (1,016 persons) and 2016 (1,176 persons).

The plan notes that Athgarvan has an adequate water supply to meet the current demands and the future planned growth over the life of this Plan.

It is envisioned that designated villages will continue to develop as local centres for services with growth levels to cater for sustainable growth at an appropriate scale. The Development Plan identifies 17 no. designated villages, which includes Athgarvan. There is a population target of 1,006 persons and 366 no. residential units for the designated villages over the life time of the plan.

The following objectives are considered relevant:

- **ST A2** Ensure new development complements and enhances the village scape and uses quality building materials
- **ST A5** Support the objectives and priority projects of the forthcoming Athgarvan Village Renewal Plan
- **ST A10** Provide for the development of a children's playground, subject to the availability of appropriate sites and funding
- **ST A15** Provide new footpaths / cycleways at the following locations (See Map V2 – 3.2b)
 - (ii) Along the full length of the Curragh Road (L2032), to Scoil Bhríde National School

Chapter 2 Core Strategy and Settlement Strategy, Chapter Housing, Chapter 6 Infrastructure and Environmental Services, Chapter 11 Built and Cultural Heritage, Chapter 14 Urban Design, Placemaking and Regeneration and Chapter 15 Development Management Standards of the development plan are all considered

relevant. The following policies and objectives of the development plan are also considered relevant:

- **HO P7:** Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.
- **HO P8:** Ensure that groups with specialist housing needs, such as older persons, people with disabilities, the homeless, Travellers, those in need of emergency accommodation including those fleeing domestic violence, are accommodated in a way suitable to each of their specific needs.
- **HO O20:** Support the delivery of housing options to meet the needs of older persons and support older persons to live independently in active retirement, where possible.
- **HO O21:** Meet the needs of older persons and people with a disability by requiring the provision of alternative accommodation, such as age appropriate homes, independent and assisted living units, day-care facilities, nursing homes and specialised care units (e.g. dementia specific units) to meet the needs of older persons and to facilitate the provision of a range of housing options for older persons in central, convenient and easily accessible locations, integrating such housing with mainstream housing through the application of a location specific objective (Specific Local Objectives (SLO)) at appropriate and optimised strategic locations particularly on Council owned lands in mandatory Local Area Plans in County Kildare.
- **HO O23:** Promote co-location of facilities (including childcare facilities and facilities for older persons) at sustainable locations where they can avail of existing and planned social and community infrastructure, in particular, and to examine a range of community facilities and to encourage meanwhile use in some cases.

5.3. ***National Planning Framework First Revision (2025)***

The National Planning Framework is a high-level strategic plan for shaping the future growth and development of the county to 2040. It is a framework to guide public and private investment, to create and promote opportunities for our people, and to protect

and enhance our environment - from our villages to our cities, and everything around and in between.

It states that the major policy emphasis on renewing and developing existing settlements established under the NPF 2018 will be continued, rather than allowing the continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. It includes revised figures of 50,000 units per annum in the years to 2040. The NPF was revised to allow planning for an additional 50,000 people in Ireland between 2022 and 2040.

5.4. *Climate Action Plan, 2025*

The Climate Action Plan was published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2025 (CAP25) is the fourth annual update to Ireland's Climate Action Plan 2019. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021. CAP25 builds upon [Climate Action Plan 24](#) (CAP24) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with CAP24.

5.5. *Climate Action and Low Carbon Development (Amendment) Act 2021*

This Act amends the Climate Action and Low Carbon Development Act 2015. It sets out the national objective of transitioning to a low carbon, climate resilient and environmentally sustainable economy in the period up to 2050. The Act commits us, in law, to a move to a climate resilient and climate neutral economy by 2050. An Bord Pleanála is a relevant body for the purposes of the Climate Act. As a result, the obligation of the Commission is to make all decisions in a manner that is consistent with the Climate Act.

5.6. *Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019 - 2031*

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

5.7. ***National Biodiversity Action Plan (NBAP) 2023-2030***

The 4th NBAP strives for a “whole of government, whole of society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”.

This NBAP builds upon the achievements of the previous Plan. It 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.

5.8. ***Section 28 Ministerial Guidelines***

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are as follows.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines

for Planning Authorities (2023) (the 'Apartment Guidelines'). Design Standards for Apartments Guidelines for Planning Authorities were published on the 8th July 2025. Circular NSP 04/2025 states that the Design Standards for Apartments, Guidelines for Planning Authorities (2025) are applicable to any application for planning permission and to any subsequent appeal or direct application to An Coimisiún Pleanála submitted after the issuing of the Guidelines, i.e. from 9th July 2025.

5.9. ***Other***

- Design Manual for Urban Roads and Streets (DMURS December 2013) (as updated) (Including Interim Advice note Covid-19 May 2020).
- Kildare Age Friendly County Strategy 2023-2027.

5.10. **Natural Heritage Designations**

There are no designated sites within the vicinity of the appeal site.

5.11. **EIA Screening**

The proposed development, as a standalone development and in combination with the adjacent residential development for 40 no. houses, has been subject to preliminary examination for environmental impact assessment. Please refer to Appendix 1 and 2 of this report. Having regard to the characteristics and location of the proposed development, and the adjacent proposed residential 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

The first party appeal includes an appeal report, additional drawings, a Traffic and Transportation note and a Landscape note. The main grounds of the appeal relate to the 3 no. reasons for refusal. The appeal submission is summarised below.

Site Context

- The site is located in the village of Athgarvan, south of Newbridge, with a variety of services and amenities. It is 1.2km from the M7 corridor and 4.9km from the Dublin-Cork railway, which is a 16-minute cycle.
- The nearest bus stops are less than 100m from the site on the Curragh Road. This stop is served by the 129 which provides connectivity to Kilcullen and Newbridge.

Principle of Development

- This is not a standard residential development. The subject scheme is a unique housing typology that has been designed to deliver an exemplar model for a retirement village within Athgarvan. A significant site selection process was undertaken by the applicant.
- There is a critical need for specific accommodation for older people, as an alternative to a nursing home setting.
- Research has found that older people living in retirement communities are healthier, more independent and require reduced levels of health and care support.
- The retirement village concept provides an opportunity for people in later life to remain active and social while having the security of on-site staff.
- The zoning objectives allow for residential use, community use and amenity open space.

First Reason for Refusal – Zoning

- Concerns regarding compliance with the zoning objective were not raised at the pre-planning or the further information phase of the planning application. The planning authority were supportive of the use.
- The use is open for consideration. A retirement village is not 'permitted in principle' under any land use zoning objective in the Development Plan.
- The nature of the scheme offers community gain.
- The management regime and public access arrangement to the recreational building has been subject of significant discussion between the applicant and the planning authority.
- The recreational building was re-located to the 'Community and Education' zoning as part of the Further Information request. The location of the recreational building was carefully chosen with respect to ease of use, practically, safety for residents, relationship with open space. A central location was deemed most suitable to minimise walking distances for residents.
- The location of the recreational building also provides ease of access for members of the public.

Second Reason for Refusal – Open Space

- There is no definition of semi-private open space in the Kildare County Development Plan 2023-2029. The proposed courtyards are not intended for exclusive use by the occupants of the scheme. They can be accessed via multiple routes and are not gated. They provide attractive, sheltered and comfortable open space for residents of the scheme and the public.
- The sloping topography of Open Space E is recognised, and the landscaping design has appropriately responded to the context. The primary function of this space is a linkage spaces to the centre of the retirement village from the Curragh Road and from the neighbouring development to the west, currently under construction.
- The planning authority have disregarded the wider offering of public open space on the lands zoned for Open Space and Amenity. It is proposed to provide 20,706sqm of public open space and amenity within the red line

boundary. This is in addition to the public open space delivered in the wider site and on lands zoned for Community and Education uses.

- The scheme delivers a hierarchy of open spaces including a significant portion of open space and descends to a series of small spaces primarily set out for the use and amenity of the retirement village.
- The applicant is amenable to a financial contribution in lieu for any shortfall of public open space.

Third Reason for Refusal – Traffic Hazard

- Speed limits would be restricted to 15 km per hour within the scheme. There are clear markings for the speed limited on the submitted drawings and additional traffic calming measures are proposed at various junctions to restrict speed.
- The 6m wide carriageway was designed for emergency vehicles. This has been reduced to 5.5m to address the concerns of the planning authority.
- The concerns regarding the length of the roadway are addressed by the introduction of horizontal deflection to calm traffic.
- A network of 2m wide footpaths are provided throughout the scheme.
- A comprehensive quality audit was carried out which focused on road safety, walking, cycling and an accessibility audit. All issues raised were addressed.
- The architectural layout of the development, the quality audit and the traffic and transport assessment were all prepared with regard to DMURS.
- There is evidence to suggest that the proposal is contrary to or not in accordance with the policy and objective stated in the reason for refusal.

6.2. Planning Authority Response

The response dated 1st July 2025 notes the content of the appeal and refers the Commission to the planners report and technical reports from internal departments in Kildare County Council.

- While a retirement village is open for consideration on Community and Education zoned lands if it would not conflict with the general objectives for the zoning, the local authority, both the planning section and the community section

have serious concerns regarding the location of the community building at a remove from the public road given a perceived impression that this building is not associated with the general public.

- The proposed management of the community building would remain in the control of the applicant with limited access to members of the public. This does not facilitate a genuine commitment to community use on these E zoned lands.
- The proposal in its current format and layout does not meet the community aspect envisioned for Athgarvan and does not represent a true community use.
- The only remaining undeveloped community and education zoned land in Athgarvan would be used for private development.

6.3. **Observations**

Seven observations were received from (1) Paul Brown, (2) Cllr. Tracey O'Dwyer, (3) Rosemount Court Residents Association, (4) Marie Flynn, (5) Rita Cosgrove, (6) Athgarvan GAA and (7) Gavin Cosgrove. The concerns raised are similar and are summarised below.

Zoning

- The scheme does not contain any provision for active community use, particularly for youths. There is a lack of community / social facilities within the wider area.
- This is the only undeveloped site zoned for Open Space / Amenity / Community at a central location in the village. If active facilities are not provided there is no alternative.
- The scheme materially contravenes the sites E and F zoning objectives.
- The scheme materially contravenes social community policies and objectives in the development plan.

Social Infrastructure

- No evidence that the village benefits from older persons accommodation.

- Kildare has the second youngest population. Athgarvan has been populated by young families and has a young cohort. Most of the residential developments have been constructed in the last 20 years.
- The control of the recreational building would be under the management of proposed development. There is no guarantee that it would be available to the community.
- The lawn bowls and allotments facilities proposed within the area of public open space are targeted at the future residents and not the wider community.
- The location of the recreational building is unsuitable for integrating with the wider area.
- The lands are identified in the Athgarvan Village Renewal Plan for New Sports and Recreation.
- The indicative playing pitches have not been agreed with any sports clubs or local residents.
- Athgarvan lacks the public and social infrastructure to support large scale development. There is no doctor, dentist, pharmacy or coffee shop in the village. This is not the most suitable location for a retirement village.
- There is limited car parking available in the village and public transport is very limited.

Open Space

- It is unclear how the public open space would be managed or if it would be taken in charge by Kildare County Council.
- Public open space equates to c. 11% of the site area.
- The courtyards are semi-private / communal open space and should not be provided within the calculation of public open space.
- The public open space to the west of the scheme is not adequately overlooked.
- Lands transfer to Kildare County Council for public open space should be done in the form of a freehold agreement or other transfer method to safeguard the use of these lands for their intended purpose.

Design and Layout

- The scheme is not in keeping with the rural character of Athgarvan.
- The proposed scheme in combination with the proposed 42 no. houses on the adjacent site would result in overdevelopment and would put pressure on existing physical infrastructure.
- Final details of the location of the ESB mast and the agreement of the ESB has not been provided.
- The proposed development would have an overbearing impact and result in overlooking of adjacent properties. Rear gardens should be substantially larger to improve separation distances between the proposed and existing dwellings.
- Boundary treatments should be rendered block work.

Transportation

- The lack of a footpath in this heavily trafficked area with high speeds would result in a traffic hazard, particularly for elderly occupants of the proposed development.
- If a bus stop cannot be incorporated into the boundary of the site it should be provided within the scheme.
- The proposed scheme in combination with the proposed 42 no. houses on the adjacent site would negatively impact on the capacity of the local road network.
- The provision of a toucan crossing would interrupt traffic flows along the Curragh Road, which is a commuter route to the M7.

Other issues

- Concerns raised that there was a lack of engagement with local residents.

6.4. Further Responses

None

7.0 **Assessment**

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

- Principle of Development
- Design Approach
- Open Space
- Transportation
- Social Infrastructure
- Other Issues

7.2. In the interest of clarity this assessment relates to the revised design and layout of the proposed retirement village, comprising 86 no. residential units, a recreational building and all associated infrastructure to accommodate the development, on a site with a stated area of 5.8 ha, as submitted by way of further information.

7.3. ***Principle of Development***

Zoning

7.3.1. Volume 2 Part 2 Villages and Settlements of the Development Plan sets out the zoning objectives for Athgarvan. The appeal site is subject to 4 no. zoning, in this regard Community and Education, Open Space and Amenity, New Residential and Existing Residential. Each of the sites zoning objectives are addressed below.

7.3.2. In general, the eastern portion of the site is zoned Open Space and Amenity with the associated land use objective '*to protect and provide for open space, amenity and recreation provision*'. The Development Plan notes that the areas included in this zoning objective cover both private and public open space and are dispersed throughout the village. The aims of this land-use zoning objective are to protect recreation, open space and amenity areas, to maintain and improve amenity lands, to preserve private open space and to provide recreational facilities. The third parties

raised concerns that the proposed development would materially contravene the sites Open Space and Amenity zoning objective.

- 7.3.3. The proposed layout provides for 20,706sqm of open space on the lands zoned for Open Space and Amenity. This area of open space provides for a bowling green, allotments, and walking loops with benches. The open space area also incorporates an infiltration pond. While the proposed open space would primarily serve the proposed retirement village and is intended to remain in the ownership of the applicant, it is accessible to the general public via the Curragh Road and the proposed access road to serve the adjacent residential development proposed under concurrent appeal ABP 322712-25. It is noted that the Open Space and Amenity zoning objective provides for both public and private open space. Therefore, I am satisfied that the open space provided on lands zoned for Open Space and Amenity would not materially contravene the development plan.
- 7.3.4. Marginal areas of the northern portion of the land zoned for Open Space and Amenity incorporates a turning area and a small portion of car parking spaces. It is my view that the encroachment of the areas of hard standing onto the area zoned Open Space and Amenity is minor in nature and would not materially impact on the sites zoning objective.
- 7.3.5. The majority of the western portion of the site is zoned Community and Education with the associated land use zoning objective *to provide for community and educational facilities*. The Development Plan further states that the purpose of this zoning is to facilitate the extension of existing and the provision of new community and educational facilities. The vast majority (71 no.) of the proposed residential units and the recreation building are located on lands zoned Community and Education.
- 7.3.6. A small portion in the north eastern portion of the site, at its boundary with the Curragh Road, is zoned Existing Residential / Infill with the associated land use objective *‘to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services’*. The Development Plan further states that this zoning principally covers existing residential areas and provides for infill development within these existing residential areas. The primary aims of this zoning objective are to preserve and improve residential amenity

and to provide for further infill residential development at an appropriate density. This portion of the site would accommodate 10 no. residential units the sites vehicular access, access road and parking, along with areas of open space and landscaping.

- 7.3.7. In addition, a small portion in the western portion of the site, also at its boundary with the Curragh Road is zoned New Residential with the associated land use objective 'to provide for new residential development'. The Development Plan further states that this zoning provides for new residential development and associated ancillary services. Permission may also be granted for home based economic activity within this zone subject to the preservation of residential amenity and traffic considerations. New residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and the landscaping of open space. This portion of the site would accommodate 5 no. residential units and c. 3,105sqm of public open space, access road and parking.
- 7.3.8. The planning authority's first reason for refusal states that the proposed retirement village located on mainly Community and Educational zoned lands materially contravenes the zoning objective as the only proposed community element on this E zoned lands is a "community building" with limited access to members of the public. The third parties also raised concerns that the proposed development materially contravenes the sites zoning objective.
- 7.3.9. Table 3.6 Villages Land Use Zoning Matrix of Volume 2 of the Development Plan indicates that Retirement Villages are Open for Consideration on lands zoned Community and Education, New Residential and Existing Residential. Recreational Buildings are Permitted in Principle on lands zoned Community and Education. It is noted that no concerns were raised by the planning authority or the third parties regarding a material contravention relating to the recreational building.
- 7.3.10. As a retirement village is open for consideration on lands zoned for Community and Education, New Residential and Existing Residential, I am satisfied that the proposed use would not be a material contravention of the zoning objectives. However, as it is not permitted in principle it should be assessed on its merits.
- 7.3.11. Uses that are Open for Consideration are defined in the Development Plan as *uses that are not considered acceptable in principle in all parts of the relevant use zone.*

However, such uses may be acceptable in circumstances where the Council is satisfied that the proposed use would not conflict with the general objectives for the zone and the permitted or existing uses as well as being in the interests of the proper planning and sustainable development of the area. Having regard to this definition it is my view that the principle of the development should be considered with regard to (1) whether the proposed use would not conflict with the general objectives for the zone (2) whether it would conflict with the permitted or existing uses and (3) whether it would be in the interests of the proper planning and sustainable development of the area. These are addressed below.

7.3.12. *Conflict with the general objectives:* As noted above, the purpose of the Community and Education zoning is '*to facilitate the extension of existing and the provision of new community and educational facilities*'. The layout provides for c. 71 no. residential units and the recreational building on lands zoned for Community and Education. I agree with the applicant that a retirement community is not a standard residential typology and in my opinion the use is a community use. As there is no specific objective on the site to provide for an active community use that would be available to the local community and as other uses permitted in principle on the site do not provide for active community uses. It is my view that this zoning objective was not intended to provide a solely public use on the lands zoned for Community and Education. Therefore, it is my opinion that it would not conflict with the general objectives for the zone.

7.3.13. The intended purpose of Existing Residential / Infill land use objective is '*to protect and improve existing residential amenity, to provide for appropriate infill residential development and to provide for new and improved ancillary services*'. The layout provides for c. 10 no. residential units, the sites vehicular access, access road and parking, along with areas of landscaping. In my opinion the proposed use would be compatible with the surrounding residential uses, would not negatively impact on existing residential amenity and would therefore be in accordance with the sites Existing Residential / Infill zoning objective. It is noted that no concerns were raised by the planning authority or the third parties regarding a material contravention of the Existing Residential / Infill zoning objective.

7.3.14. The intended purpose of New Residential land use objective is to provide for new residential development. The layout provides for 5 no. residential units and c.

3,105sqm of public open space, access road and parking. In my opinion the proposed use would be compatible with the surrounding residential uses and would therefore be in accordance with the sites New Residential zoning objective. It is noted that no concerns were raised by the planning authority or the third parties regarding a material contravention of the New Residential zoning objective.

7.3.15. Conflict with the permitted or existing uses: The subject site comprises private agricultural lands, with 2 no. vacant houses and associated agricultural structures. Having regard to the existing uses, the sites location within the built up area of Athgarvan, on a zoned and serviced site, adjacent to existing residential uses I am satisfied that the proposed development would not conflict with and the permitted or existing uses.

7.3.16. Proper planning and sustainable development: With regard to the development being in the interests of the proper planning and sustainable development of the area it is noted that the planning authority raised concerns that the proposed use was not appropriate on lands zoned for Community and Education zoning objective. The third parties also raised series concerns that the proposed use would negatively impact on local community, as it does not contain any provision for active community use, particularly for youths and that there is a lack of community / social facilities within the wider area.

7.3.17. The Athgarvan Village Renewal Masterplan, 2024 is a non-statutory document published in January 2024 which sets out a conceptual plan for a settlement. The plan was developed in conjunction with third party stakeholders, Elected Members and relevant departments within the local authority and is consistent with the policies and objectives of the Development Plan. Therefore, it is my view that the provisions of the masterplan represent proper planning and sustainable planning for the village. While this document is non-statutory it is noted that Policy AD A3 of the Development Plan is to prepare and implement on a phased basis Village Renewal Masterplans for a number of settlements including Athgarvan. This is also supported by Policy UD O6 to prepare and implement Town / Village Renewal Masterplans for settlements of all sizes across the county. Having regard to Development Plan policy it is my view that there is requirement to implement the provisions of the masterplan.

- 7.3.18. The map on page 18 of the masterplan identifies The Old Farm on the Curragh Road as a site 'with great potential for redevelopment'. While the boundary of the Old Farm site is not outlined it would appear to generally related to the appeal site. This site is one of only two sites identified as a key opportunity site in the village. It is my opinion that the proposed development is in accordance with the masterplan to redevelop the subject site.
- 7.3.19. The Local Opportunities Map (page 21) of the masterplan also identifies 13 no opportunity sites. Again, the boundary of these sites are not outlined. However, opportunity site 8 appears to generally relate to the appeal site. It aims to support the provision of community and recreational uses including all weather sports pitches and playground in a central village location to enhance community amenities in the village. As outlined below, in section 7.5, it is my recommendation that a natural play space be provided within the appeal site on the Open Space and Amenity Lands, as proposed as part of the original layout. The proposed scheme also includes a bowling green, allotments and walking loops. I am satisfied that these provisions satisfy the requirement of the play to provide community and recreational uses on opportunity site 8 and would be in accordance with the proper planning and sustainable development of the village.
- 7.3.20. In addition, the concurrent application and appeal (ABP-322712-25) for a residential development comprising of 40 no. houses on a c. 3.36ha site on the adjacent site includes a c. 1.67 ha site currently zoned for Open Space and Amenity. It is proposed that this c.1.67ha site that would be made available to Kildare County Council for the provision of active community uses. The indicative layout submitted with both this and the concurrent appeal indicate the provision of a playing pitch, basketball court and a car parking area. An indicated masterplan is provided with both appeals indicating how the proposed developments would relate to one another and this Open Space and Amenity lands to be provided to the local authority. The adjacent site is indicated as being outside of the ownership (blue line boundary) of the applicant and therefore, it is my view that it is not appropriate to attach a condition regarding the requirement to provide these Open Space and Amenity lands as part of this application. However, the information provided on the application forms for both applications indicate, that there is overlap between the directors of the companies of both landholdings.

7.3.21. Given the proposed uses within the site, which include a significant and the indicative nature of the Athgarvan Village Renewal Masterplan, I am satisfied that the provision of active recreation and amenity uses on this adjacent site is in accordance with the provisions of the masterplan to support the provision of community and recreational uses at Opportunity Site 8. It is my opinion that the proposed development is in accordance with the provisions of the Masterplan for the village and therefore, is in accordance with the proper planning and sustainable development of the area.

7.3.22. Overall, I am satisfied that the proposed retirement village would not result in a material contravention of the Community and Education, the New Residential or the Existing Residential / Infill zoning objectives of the appeal site and, therefore, the proposed uses is in accordance with the proper planning and sustainable development of Athgarvan.

Demand for a Retirement Village

7.3.23. The third parties consider that there is no requirement for a retirement village in Athgarvan.

7.3.24. The Planning Report submitted with the application notes that the 2022 Census indicates that there are over 1 million people living in Ireland over the age of 60, with over 742,000 in the 65+ age group. This sector of the population is expected to grow by 30% over the next 10 years. Population projection scenarios undertaken by CSO predict that the number of older people in Ireland will increase significantly to c. 1.6 million by 2051. The proposed development aims to provide housing typology for older persons to remain active and social while having the security of on-site staff and the community. The applicant Planning Report also states that the site chosen given its location within a village, its proximity to Newbridge and the national road and rail network. A Social Value Impact Report was submitted by way of further information which supports the provision of a retirement village and outlines the benefits for future residents and the wider community, including the provision of footpaths and cycleways, public open spaces and the provision of a recreational building.

7.3.25. Policies and Objectives HO P8, HO O20, HO O21, HO O24 of the Development Plan all support the provision of older persons accommodation within Kildare.

7.3.26. As noted above, I am satisfied that the proposed use is in accordance with the sites zoning objectives and Athgarvan Village Renewal Masterplan 2024 and the policies and objectives of the Development Plan. Therefore, I have no objection in principle to the provision of retirement village at the appeal site.

7.4. ***Design Approach***

Design and Layout

7.4.1. The appeal site is located within the village of Athgarvan. It currently comprises agricultural fields with 2 no. vacant houses and associated agricultural structures. The site forms part of the emerging suburban area of Athgarvan. As noted above, there is a concurrent appeal on the adjacent site to the east for the construction of 40 no. residential units and the provision of a 1.67ha site to be given to the local authority for the provision of recreational and amenity uses. While this site is outside of the blue line boundary of the appeal, a masterplan has been submitted with this application / appeal indicating how the proposed development would relate to the proposed residential.

7.4.2. It is proposed to demolish the existing structures on site to facilitate the proposed development. Having regard to the information submitted and having carried out a site visit on the 9th September it is my opinion that these structures are of no architectural merit, and I have no objection to their demolition.

7.4.3. The proposed retirement village comprises 86 no. residential units and a recreational building laid out in a traditional grid pattern with 3 no. areas of public open space. Access to the site is via a single vehicular access from the site's northern boundary with the Curragh Road. The layout of the scheme, as submitted by further information, incorporates the retention of a significant portions of the existing mature hedgerow (hedgerow no. 16) within the site. To facilitate the retention of the hedgerow at the site's northern boundary with the Curragh Road a public footpath and cycle path are provided within the site boundary on the southern side of the retained hedgerow. The retention of mature hedgerows is welcomed.

7.4.4. The scheme includes a linear row of 31 no. residential units, generally parallel to the site's northern boundary with the Curragh Road. These units are bound to the north

by a public footpath and cycle path to be provided within the site and are designed to provide frontage onto both the Curragh Road elevation and the retirement village elevation. The eastern portion of the site contains 6 no. residential clusters containing 4 no. semi-detached dwellings (8 no. units) in a rectangular shape with open spaces at the centre of the cluster. These clusters are separated by shared spaces and footpaths. The western portion of the site, on the opposite side of the internal access road to the residential clusters accommodates the recreational building and 11 no. residential units laid out in 2 no. terraces. The western portion of the site also contains a significant portion of public open space. The recreation building opens out directly onto the area of public open space.

7.4.5. The proposed external material of all elevations of the residential units, as indicated on the revised drawings, is render. The original scheme submitted to the planning authority include a variety of external materials to the various dwelling types. The photomontages submitted by way of further information also include the provision of brick / cladding on some elements of the elevations of the dwellings. In my opinion the varying materials added visual interest to the scheme and would aid with placemaking and legibility. It is also my opinion that render is not a durable material and, in particular, is not suitable for all elevations of the apartment units at the sites access, which are highly visible from the public road. To ensure a high-quality finish it is recommended that elements of brick and / or cladding be added to the front and side elevations of the dwellings as proposed in the original application. I am satisfied that this could be addressed by way of condition.

7.4.6. The housing quality assessment submitted by way of further information on indicate that all residential units reach and exceed the minimum requirements set out in the Quality Housing for Sustainable Communities Guidelines, 2007 and the Apartment Guidelines, 2023.

Unit Mix and typology

7.4.7. The residential units comprise 78 no. houses and 8 no. apartments. The 2-storey apartment units (Unit Type D1 / D2) are provided on either side of the site entrance at Curragh Road. The units mix comprises 12 no. 1-beds and 74 no. 2-beds. There are 11 no. unit typologies ranging provided throughout the scheme ranging in size from

52.4sqm to 75.7sqm. It is envisioned that the scheme would have a population of c. 103 no. persons, comprising a ration of 20% couples and 80% single occupants. I have no objection to the proposed unit mix and consider it appropriate for a retirement village.

Tenure

- 7.4.8. The information submitted in the applicants planning report notes that a retirement village is a unique housing typology and is not a standard residential unit. The applicant has stated that they are amenable to a condition to limiting the occupation of the units to older persons over the age of 65. Having regard to the sites Community and Education zoning objective if permission is being contemplated it is recommended that a condition be attached that at least one member of the household should be over the age of 65.
- 7.4.9. The applicants planning report and the Operational Plan state that the individual dwellings would be available to purchase or rent and that the applicant would retain and own several units, along with the recreational building and gardens. The applicant would also be responsible for the maintenance and operation of the site. The public notices do not state that the scheme, or any part of it would be a Build to Rent scheme. It is my opinion that should permission be granted that this is a build to sell development. Should the applicant wish to amend this tenure it would require a further planning application to the local authority. Therefore, I am satisfied that it would be appropriate to attach a condition relating to Section 47 of the Planning and Development Act 2000, as outlined in the Commercial Institutional Investment in Housing Guidelines 2021.

Recreational Building

- 7.4.10. The recreational building is a single storey building with a gross floor area of 563.8sqm. The internal layout provides for a variety of activities and uses. In the response to the request for further information the applicant notes that as the recreation facility is located in a retirement village it is anticipated that clubs and activities would be focused on Age Friendly activities including bowls, yoga and mobility classes and walking groups.

7.4.11. Concerns are raised by the third parties that there is no guarantee that the recreational building would be made available to the wider community. The information submitted with the application and the appeal note that the recreational building would be made available to the wider community for small gatherings and group activities subject to staffing and availability. As the recreational building is being provided in support of the retirement village and as it would remain in private ownership, and not the local authority, this is considered a reasonable approach. It is also noted that it is intended that all activities, groups and clubs provided within the recreational building would be available to the wider Senior Athgarvan Community. I have no objection to the proposed operation and management of the recreational centre.

7.4.12. Concerns are also raised by the third parties that the location of the recreational building is unsuitable for integrating with the wider area. As part of the original application the recreational building was proposed immediately south of the site entrance, on lands zoned for Open Space and Amenity. Due to the zoning objectives, which does not permit a recreational building it was relocated in response to the further information request. The recreational building was relocated c. 30m east, to the junction of the internal access roads. In my opinion the revised location forms a focal point within the scheme and is appropriately located on lands zoned for Community and Education. I have no objection to the location of the recreation building.

Conclusion

7.4.13. Overall, I have no objection in principle to the proposed design and layout of the proposed scheme and consider it appropriate for the proposed use as a retirement village and in accordance with Policy HO P7 to provide a wide variety of housing typologies and Objective SC O7 of the Development Plan to support and encourage the clustering of community facilities such as community centres, with a priority towards inter alia, facilities for older persons, and open spaces to create multi-purpose community hubs.

Residential Amenity

7.4.14. Concerns are raised by the third parties that the proposed development would have an overbearing impact and result in overlooking of adjacent properties. The appeal

site is bound to the north by the Curragh Road and to the south by agricultural lands. Therefore, no issues of overlooking or overbearing impact arise.

7.4.15. To the east the site is bound by a concurrent appeal site. The public open space would directly oppose the proposed houses in the adjacent scheme. Therefore, I am satisfied that the proposed development would not impede this proposed development. Proposed House no. 010 at the sites eastern boundary is located c. 18m from the side elevation of an existing commercial unit that fronts onto the Curragh Road. I am satisfied that no issues of overlooking or overbearing impact arise with regard to this property. To the west the site is bound by 2-storey dwellings in the recently constructed Blackrath Vale Residential estate (approved under Reg. Ref. 19/117 and Reg. Ref. 19/118). There is a minimum separation distance of c. 19m between the existing and proposed dwellings. Having regard to the separation distances and the relatively limited height of the proposed scheme and the existing dwellings I am satisfied that no issues of overlooking or overbearing impact arise.

7.4.16. A daylight, sunlight and overshadowing assessment was not submitted with the application. Section 5.3.7 of the Sustainable and Compact Settlements Guidelines notes that the provision of acceptable levels of daylight in new residential developments is an important planning consideration. However, planning authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases and that in the case of low-rise housing with good separation distances, it should be clear from the assessment of architectural drawings that undue impact would not arise. Given the characteristics of the proposed development, I am satisfied that it would not result in overshadowing of any existing or proposed residential dwellings, and a technical assessment of daylight, sunlight and overshadowing performance is not necessary in this instance.

Conclusion

7.4.17. In conclusion, I am satisfied that the proposed scheme would result in the creation of a high-quality scheme that would introduce a new housing typology in Athgarvan which would provide a positive contribution to the area and support the consolidation of the urban environment. Therefore, I have no objection to the proposed design approach and consider it represents a reasonable response to its context.

7.5. Open Space

- 7.5.1. The planning authority's second reason for refusal considered that having regard to the inadequate public open space provision on lands not zoned for open space and amenity purposes, the proposed development falls significantly short of the required useable public open space provision represents a substandard form of development the proposed development would contravene section 15.6.6 of the Kildare County Development Plan 2023-2029 and Policy Objective 5.1 Sustainable and Compact Settlements Guidelines for Planning Authorities 2024. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- 7.5.2. Section 15.6.6 of the development plan sets out public open space requirements for new residential developments. It states that for greenfield sites, 15% of the total site area should be provided as public open space. The development plan does not specify that public open space must be provided on lands that are not zoned for open space and amenity purposes. Policy and Objective 5.1 of the Compact Settlement Guidelines require public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. It should be noted that these quantum's of public open space relate to new residential developments and not retirement villages, which in my opinion provides for a different typology of housing. Notwithstanding this given the concerns raised it considered appropriate to assess the proposed development against the public open space requirement of the Development Plan and the Compact Settlement Guidelines.
- 7.5.3. The site layout, as submitted by way of further information, provides for a large (20,706) area of public open space within the eastern portion of the site on lands zoned for Open Space and Amenity. As the Development Plan and the Compact Settlement Guidelines do not specify that areas zoned for Open Space and Amenity cannot be included in the calculation, I have no objection to the inclusion of this significant portion of public open space being included. It is also noted that this area of public open space allows for the retention and protection of part of hedgerow no. 1 and of hedgerow no. 2, which is welcomed. This area incorporates a bowling green, allotments, a retention pond and a walking loop with seating areas. While this area would primarily be

associated with the retirement village is it accessible to the general public and in my view would provide a significant quantum of high quality usable public open space.

- 7.5.4. The landscape masterplan submitted with the original application included a natural play space. This play space was omitted from the layout submitted by further information. It is acknowledged that the proposed use is unlikely generate a demand for a play space, however, as this area is proposed as public open space and having regard to the objective within the masterplan to provide recreational uses it is my view that a play space would be an appropriate use at this location. I am satisfied that this could be addressed by way of condition.
- 7.5.5. The layout also incorporates 3,105sqm of public open space (Public Open Space E) in the western portion of the site, adjacent to the sites boundary with the Curragh Road. The planning authority raised concerns regarding the inclusion of this portion of the site in the calculation of public open space due to its steep topography. The layout of this area of open space responds to the steep topography of the site and allows for the retention and protection of hedgerow no. 14 at the sites western boundary and the retention and protection of a portion of hedgerow no.16+ at the sites northern boundary with the Curragh Road. This area of open space would incorporate circuitous footpaths and a potential future pedestrian link to the residential estate to the south and west of the appeal site.
- 7.5.6. The first party appeal states that the primary function of this space is a linkage spaces to the centre of the retirement village from the Curragh Road and from the neighbouring development.
- 7.5.7. Given the New Residential zoning objective of this portion of the site, the lack of intervention in the natural topography of the site is welcomed and its use as public open space is considered appropriate in this context.
- 7.5.8. An additional area of c. 2,041smq of public open space is located at the sites southern boundary, with unzoned lands within the applicants ownership. This area of public open space is disconnected from the main area of public open space by the retention and protection of hedgerow no. 2. This area of public open space allows for the retention and protection of hedgerow no. 12 and incorporates a walking loop. Given the quantum of public open space and the relatively flat nature of this portion of the site I am satisfied that it would result in high quality useable open space for future

residents and the wider community. However, it permission is being contemplated it is recommended that a condition be attached that seating be provided within this area.

7.5.9. The reason for refusal also considered that the proposed courtyards are semi-private open space and not public open space. This concern was also raised by the third parties. The layout provides for 6 no. residential clusters (cluster A1, A2, B1, B2, C1 and C2). Each of these clusters comprise 8 no. semi-detached dwellings laid out in a rectangular shape with a centrally located area of open space. The open space ranges in size from 145sqm to 309sqm. While it is noted that these areas of open space are accessible via gaps between the semi-detached dwellings I agree with the planning authority that they are more likely to function as communal open space for the units within the residential cluster.

7.5.10. Overall, the layout provides for 25,852 sqm of public open space, which equates to 44.5% of the total site area. I have no objection to the quantum of public open space and considered that it would provide high quality active and passive usable open space that would be in accordance with the provisions of Section 15.6.6 of the Development Plan.

7.5.11. The third parties also raised concerns that as this is the only undeveloped site zoned for Open Space / Amenity / Community at a central location in the village and if active facilities are not provided there is no alternative. The Athgarvan Village Renewal Masterplan, published in January 2024 notes that there is no large public park in Athgarvan, however, it states that the village is located adjacent to the Curragh Plains and that residents of Athgarvan have access links to a wide range of recreational and amenity assets, both within and outside the village boundary such as rugby, GAA, golf, walking, fishing etc. The zoning map for Athgarvan indicates that there are significant portions of land zoned for Public Open Space and Amenity uses within the village, particularly at the eastern end of the village, adjacent to the River Liffey and the western end adjacent to the national school. There is also a significant portion of land zoned Open Space and Amenity to the north of village boundary with smaller areas identified within the established residential developments. The masterplan also identifies a site to the north of the village as being an appropriate location for a public park. Having regard to the provisions of the masterplan I am satisfied that there are sufficient recreational and amenity assets within the village to cater for the demand

and that should a need for additional recreational uses arise that there is sufficient land zoned within the village.

7.5.12. As noted above, the site is identified in the masterplan as Opportunity site 8 to provide community and recreational uses. While this document is non-statutory it is noted that Policy AD A3 of the Development Plan is to prepare and implement on a phased basis Village Renewal Masterplans for a number of settlements including Athgarvan. This is also supported by Policy UD O6 to prepare and implement Town / Village Renewal Masterplans for settlements of all sizes across the county. Having regard to Development Plan policy it is my view that there is requirement to implement the provisions of the masterplan. To address this requirement, the concurrent application and appeal (ABP-322712-25) on the adjacent site includes a c. 1.67 ha site that would be made available to Kildare County Council for the provision of active community uses. An indicative layout include a playing pitch and basketball court with car parking and an access road. This site is indicated as being within the ownership (blue line boundary) of the applicant on the submitted drawings. I am satisfied that it is accordance with the provisions of the masterplan to support the provision of community and recreational uses at Opportunity Site 8.

7.5.13. The planning authority and the third parties raised concerns regarding the proposed 500-year lease arrangement for amenity lands to the south of the appeal site, as this is not considered an appropriate mechanism for long-term land ownership or public management. Lands intended for public use must be vested in the Local Authority. From the information submitted it would appear that the applicant has engaged with the planning authority with regard to transferring unzoned lands to the south of the site to the planning authority to provide for recreational uses. The response to the further information request states that an agreement to lease can be secured post planning. I am satisfied that this could be agreed by way of condition.

7.5.14. The planning authority also note that lands to be vested to the local authority should be developed to an appropriate standard including playing pitches, access, lighting, and parking, before vesting. Having regard to the relatively limited size of the proposed development, and the proposed scheme of 42 no houses on the adjacent site, it is my view that is unreasonable to expect that the applicant would fund the recreational facilities and that it is more appropriate that the applicant pay a financial contribution

towards public infrastructure and facilities that benefit the area in accordance with Section 48 of the Planning and Development Act, 2000 (as amended) and as set out in the Kildare Development Contribution Scheme 2023 – 2029.

- 7.5.15. Subject to transferring the land identified to the south of the site to the planning authority for the future development of recreational uses within the village and the payment of a Section 48 financial contribution, I am satisfied that the proposed scheme would be in accordance with the provisions of the masterplan to provide sports or recreational facilities on Opportunity Site 8 and would therefore be in accordance with Policy AD A3 and Policy UD O6 of the Development Plan to prepare and implement on a phased basis Village Renewal Masterplans.

7.6. *Transportation*

- 7.6.1. The planning authority's third reason for refusal notes that Policy HO P1 of the Development Plan seeks to have regard to the Design Manual for Urban Roads and Streets and that Objective UD O1 of the Development Plan seeks to require a high standard of urban design to be integrated into the design and layout of all new developments. The reason for refusal considered that the long length of road, lack of footpaths in trafficked areas and wide carriageways would not comply with Objective UD O1 of Development Plan and would also be contrary to the Design Manual for Urban Roads and Streets.
- 7.6.2. The reason for refusal also considered that the proposed development due to the long length of road, lack of footpaths in trafficked areas and wide carriageways would result in the potential for speeding motorists and would endanger public safety by reason of traffic hazard.
- 7.6.3. Vehicular access to the site is via the Curragh Road. This access road is c. 20m in length and forms a T-junction with the proposed east-west internal access road. The main east – west access road at the sites northern boundary is slightly curved and is c. 280m in length. The road incorporates traffic calming measures at the 2 no. vehicular junctions and at the pedestrian / vehicular junction, adjacent to Cluster A1 and A2. This road also incorporates a pedestrian crossing adjacent to the recreational building.

- 7.6.4. The east-west access road forms a junction with the north – south access road. The north – south access road is staggered and c. 140m in length. It incorporates a single pedestrian crossing. There is an additional north – south pedestrian only route, which is located between the Clusters and running parallel to the north – south road.
- 7.6.5. The main vehicular access routes throughout the site are c. 5.5m in width a 2m wide footpath outside residential units and on-street car parking. Having regard to the nature of the use, the proposed traffic calming, the provision of on-street car parking on both sides of the road and as all the road within the scheme are a cul-de-sac's I am satisfied that the proposed layout would not result in high speeds.
- 7.6.6. The layout also incorporates 2 no. shared surfaces between Cluster A1 and A2 and Cluster B1 and B2 and again between Clusters B1 and B2 and C1 and C2, which run perpendicular to the north-south access road. Both shared surfaces are cul-de-sacs, c. 5m in width by c. 70m in length with parallel car parking on either side. Section 4.3.4 of DMURS notes that pedestrianised and shared surfaces are an effective way of promoting place and providing pedestrians and cyclists with a more enjoyable experience and that these streets operate as linear 'squares' or corridors of public open space. It further states that shared surface streets and junctions are particularly effective at calming traffic and that they are highly desirable where movement priorities are low and there is a high value in promoting more liveable streets and where pedestrian activities are high and vehicle movements are limited. Having regard to the nature of the development I am satisfied that the proposed layout and consider it to be accordance with the principle of DMURS and, therefore, is compliant with Policy HO P1 of the Development Plan to have regard to the Design Manual for Urban Roads and Streets
- 7.6.7. DMURS also states that a key consideration for the design of any shared surface is that drivers recognise that they are in a shared space and react by driving very slowly. To ensure this consideration should be given to a variety of materials and finishes. It would appear from the information submitted that the shared surface would be finished in a similar material to the general carriageways within the scheme. If permission is being contemplated it is recommended that a condition be attached that the materials and finishes of the shared surfaces differ from the main carriageway.

- 7.6.8. The first party appeal notes that the layout includes clear markings for the 15km per hour speed limited and additional traffic calming measures at various junctions within the scheme to restrict speed.
- 7.6.9. Objective UD O1 requires a high standard of urban design to be integrated into the design and layout all new development and ensure compliance with the principles of healthy placemaking. The layout provides for a public footpath and cycle path within the site boundary parallel to the Curragh Road, on the southern side of a retained hedgerow. Open Space E at the sites western boundary facilitates pedestrian access to the Curragh Road and to the recently constructed residential scheme to the south and west of the appeal site (approved under Reg. Ref. 19/117 and Reg. Ref. 19/118). The layout also provides for a pedestrian connection to the lands to the east, which are subject to a concurrent appeal (ABP 322712-25). It is my opinion that there is potential to provide an additional pedestrian access to this adjacent site at the subject sites south eastern boundary. This would allow for improved access to the proposed public open space area for occupants of the adjacent scheme. I am satisfied that this could be addressed by way of condition.
- 7.6.10. Overall, it is my opinion that the proposed layout provides for a high standard of urban design and would be in accordance with Objective UD 01 of the Development Plan.
- 7.6.11. Concerns are also raised by the third parties that there is insufficient capacity within the surrounding road network to accommodate the proposed development in combination with the approved and proposed adjacent developments.
- 7.6.12. A Traffic and Transport Assessment submitted with the application. It assessed the combined impact of the proposed development (92 no. residential units) and the adjacent residential scheme (42 no, residential units) on the surrounding road network. The modelling indicates that the existing signalised junction in Athgarvan Village R416 / L2032 would continue to operate within its design capacity for all scenarios modelled. The modelling also indicates that the proposed junctions, of the proposed retirement village and the proposed adjacent residential development, with the Curragh Road would also operate within their design capacity for all scenarios modelled. Having regard to the information submitted I am satisfied that there is capacity within the surrounding road network to accommodate the proposed development.

- 7.6.13. Concerns are also raised that there is no pedestrian link to the village from the appeal site and that the proposed pedestrian crossing would negatively impact on vehicular movements in the village. The proposed development is located c. 450m west of the village centre of Athgarvan and c. 600m east of the national school, GAA grounds and Pitch and Putt facilities within the village. There is a continuous footpath on the northern side of the Curragh road, which provides connectivity throughout the village. There are disjointed sections of footpath and grass verges on the southern side of the Curragh Road. The proposed development is located on the southern side of the Curragh Road. It is proposed to provide a public footpath and cycle track within the site boundary, however, due to third party ownership it is not possible to provide a continuous footpath on the southern side of the Curragh Road between the appeal site and the village. Therefore, to ensure pedestrian safety and connectivity to the village is proposed to provide a toucan crossing point with dished kerbs on the Curragh Road, which would provide access to the footpath. This is considered a reasonable approach, which would ensure safe pedestrian connectivity to the village centre to the east and the community facilities at the western side of the village. It is noted that this is a similar arrangement to pedestrian connectivity approved and constructed on the adjacent site Blackrath Vale Residential estate (approved under Reg. Ref. 19/117 and Reg. Ref. 19/118).
- 7.6.14. The concerns of the third parties regarding the impact of a toucan crossing point on traffic flows in the village are noted, however, having regard to the 50km per hour speed limit in the village and to the traffic count data provided with the application, I am satisfied that any impact on traffic flows would not be significant in nature. Therefore, I have no concerns in this regard.
- 7.6.15. Map V2-3.2b of Volume 2 of the Development Plan identifies a Roads / Cycleway / Footpath Objective along the Curragh Road at the site's northern boundary. As noted above to facilitate the retention of the hedgerow at the site's northern boundary with the Curragh Road a public footpath and cycle path are provided within the site boundary on the southern side of the retained hedgerow. I am satisfied that the provision of a public footpath and cycle path within the scheme is in accordance with the provisions of Map V2-3.2b. It is noted that the planning authority raised no concerns in this regard.

7.7. Social Infrastructure

- 7.7.1. The third party's raised concerns that there is no social infrastructure in Athgarvan to support a retirement village, in particular a Doctors surgery. As noted above in Section 4 Planning History, permission was granted in 2019 under ABP.300835-18, Reg. Ref. 17/393 for the construction of a mixed use development which included a doctors surgery and chemist. Permission was also granted in 2020 under Reg. Ref. 19/745 for a mixed use development including a medical suite and a community use unit. Both of these sites are at the crossroads in Athgarvan village centre, c. 400m east of the appeal site. These units are partly constructed and when completed would provide the opportunity for a GP service within the village.
- 7.7.2. Section 10.14 Health Services of the Development Plan notes that access to health services is very challenging in Kildare with variations in terms of the level of GP services across the county. The plan further notes that the provision of health care services in County Kildare is ultimately the responsibility of the Health Service Executive (HSE) along with other private and voluntary agencies and that the primary role of the Council in healthcare provision is to ensure that there are adequate lands available in development plans and local area plans to provide for new facilities and the expansion of existing facilities.
- 7.7.3. Section 7.6 of applicants the Social Infrastructure Audit submitted as part of the response to further information request notes that there are 13 no. GP clinics within 5km of the appeal site, 5 no. of which are accepting new patients. From the information provided I am satisfied that there is sufficient capacity within the surrounding area to accommodate the proposed increase in population. It is also highly likely that future residents would be from the surrounding area and would already have a local GP.
- 7.7.4. As noted above the scheme includes a recreation building which would accommodate clubs focused on Age Friendly activities including bowls, yoga and mobility classes and walking groups, which would add to the social infrastructure in the village.

7.8. Other Issues

Public Participation

- 7.8.1. The third parties raised concerns that there was a lack of engagement with local residents. While meaningful consultation may be to the benefit of both parties it is noted that there is no statutory requirement to undertake such engagement.

8.0 Water Framework Directive (WFD) Screening

- 8.1. Please refer to Appendix 2 of this report. The river body Liffey_070 (IE_EA_09L010850) is approximately 750m west of the subject site. This waterbody had a High water body status and is categorised as not being at risk (2016-2021). The groundwater body is Curragh Gravels East (IE_EA_G_017). The groundwater had a Good status and is not at risk (2016-2021).
- 8.2. No water deterioration concerns were raised in the planning appeal.
- 8.3. 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 good 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.
- 8.4. The reason for this conclusion is as follows:
- The relatively small scale and nature of the development
 - Location-distance from nearest water bodies
 - Lack of hydrological connections
- 8.4.1. 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.

9.0 AA Screening

- 9.1.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 (as amended).
- 9.1.2. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the demolition of 2 no. vacant houses and associated agricultural structures and the construction of a retirement village comprising 86 no. residential units and a recreation building
- 9.1.3. The site is a greenfield site, within the village of Athgarvan. It has a stated gross area of c. 5.8 ha. There are no watercourses within or immediately adjacent to the site. The proposed surface water drainage includes SuDS measures. Surface water run off would drain to the proposed pond in the northeast corner of the site. The high permeable subsoil would infiltrate surface water run off and typically there would be no surface water drainage from the site during normal conditions. The detention pond includes a dry detention basin, which would fill during storms. An outflow pipe would connect to the existing public network on the Curragh Road, a HydroBrake would limit any outflow to matching pre-development rates. Foul water from the site would enter the public network and be treated at Osberstown Valley WWTP.
- 9.1.4. Section 4.2 of the applicants AA Screening Report notes that Pollardstown Fen SAC (000396) is located c. 3.8km from the site and Mouds Bog SAC (002331) is located approximately 6.1km. The nearest hydrologically linked European sites are associated with Dublin Bay at the outfall of the River Liffey, 58.1km downstream.
- 9.1.5. No concerns are raised by the planning authority or the third parties regarding the impact of the development on any designated site.
- 9.1.6. Having considered the nature, scale, the location of the proposed development and the lack of a direct hydrological link or pathway to any of these designated sites I am satisfied that it can be eliminated from further assessment as it could not have any effect on a European site.
- 9.1.7. This conclusion is based on:
- The location within the village of Athgarvan.

- The distance from nearest European site.
- The lack of a direct hydrological connection.
- The nature and scale of the works.

9.1.8. I conclude on the basis of objective information, that the proposed development would not have a likely significant impact on any European Site either alone or in combination with other plans or projects.

9.1.9. Likely significant effects are excluded and, therefore, Appropriate Assessment, under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

10.0 Recommendation

It is recommended that permission be granted subject to conditions.

11.0 Reasons and Considerations

Having regard to the subject sites zoning objectives, in particular the Community and Education, New Residential and Existing Residential / Infill were a Retirement Village is Open for Consideration, the sites location within the settlement boundary of Athgarvan Village, to the existing pattern of development and to the nature and scale of the proposed development which includes a significant portion of public open space which incorporates bowling green, allotments, and walking loops, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, 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.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further

plans and particulars received by the planning authority on the 11th day of April 2025, 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. The sale of the dwellings shall be restricted to persons over the age of 65 years. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development. Prior to the commencement of development, the dwelling units to be restricted in accordance with this condition shall be agreed in writing with the planning Authority.

Reason: In the interest of clarity and to ensure that dwellings are suitably restricted.

3. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of materials, colour and texture of all the external finishes to the proposed residential units. External finishes of the dwellings shall include high quality elements of brick, cladding or other suitable external materials

Reason: In the interest of legibility and visual amenity and to ensure an appropriately high standard of development.

4. Prior to commencement of development the applicant shall submitted details of a natural play space within the Public Open Space and Amenity Lands and details of public seating within Public Open Space D, to be agreed in writing with the Planning Authority. All works at the applicants expense.

Reason: In the interest of residential amenity and place making.

5. Prior to commencement of development the applicant shall submitted details of an additional potential pedestrian link at the south eastern portion of the site,

between the subject site and the proposed adjacent residential development to the east.

Reason: In the interest of sustainable travel and permeability.

6. The landscaping scheme shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
 - a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.
 - d) In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site

8. 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. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

9. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interest of amenity and public safety.

10. 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. Details of the ducting shall be submitted to and agreed in writing by the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate

Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

12. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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

(b) Footpaths on the Curragh Road shall be dishd in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.

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

14. All roads, footpaths and cycleways shall be constructed up to the boundaries to provide access to adjoining lands with no obstruction including the erection of any structure which would otherwise constitute exempted development under the Planning and Development Regulations 2001, as amended

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

15. Prior to commencement of development the applicant shall submit for the written agreement of the planning authority details of the finished materials of the shared surfaces, that differ from the main vehicular routes.

Reason: In the interest of traffic and pedestrian safety.

16. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

17. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of proper planning and sustainable development

19. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management

company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

20. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each house, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

21. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Elaine Power
Senior Planning Inspector

18th September 2025

Appendix 1: EIA Pre-Screening

Case Reference	322713-25
Proposed Development Summary	Demolition of 2 no. vacant houses and associated agricultural structures and the construction of a retirement village comprising 86 no. residential units and a recreation building.
Development Address	Curragh Road, Athgarvan, Newbridge, 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)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ 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)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ 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?	
☐ No, the development is not of a Class Specified in Part 2,	

Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	10 (b)(i): Construction of more than 500 dwelling units 10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** _____

Appendix 2: EIA Preliminary Examination

Case Reference	322713-22
Proposed Development Summary	Demolition of 2 no. vacant houses and associated agricultural structures and the construction of a retirement village comprising 86 no. residential units and a recreation building.
Development Address	Curragh Road, Athgarvan, Newbridge, 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 comprises the demolition of 2 no. vacant residential units and associated agricultural structures and the construction of a retirement village comprising 86 no. residential units and a recreation building on a 5.8 ha site, which is zoned for Community and Education, New Residential, Existing Residential / Infill and Open Space and Amenity. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development. There is a concurrent appeal (ABP-322712-25) for 40 no. houses on the adjacent site with a site area of 3.36ha. The nature and scale of this proposed development is similar to that of the proposed development and, therefore, is also consistent with the established pattern of development. In combination the proposed development and the adjacent residential development would result in the provision of 126 no. residential units on a total site area of c. 9.16 ha site. It is noted that the combined total site area approaches the threshold of 10ha. However, as 2.5ha within the appeal site and c. 1.87 ha within the adjacent site would be provide public open space, the net developable area of the combined sites is c. 4.8ha which is significantly below the threshold. Given the nature and scale of both the proposed retirement village and the adjacent 40 no. residential units. I am satisfied that it would not give rise to significant use of natural recourses, production of waste, pollution, nuisance, or a risk of accidents.

	The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.
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).	The appeal site is located on a greenfield site within the settlement boundary of Athgarvan. The site is currently in agricultural uses (pastoral land). It does not host any species of conservation interest. This site is not located on, in or adjacent to any ecologically sensitive site and does not have the potential to impact any such sites. There are no protected landscapes, sites of historic, cultural or archaeological significance within or immediately adjacent to the site. Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitives in the area, including protected structures.
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 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.
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.	
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Inspector: _____ **Date:** _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)

Appendix 3: WFD IMPACT ASSESSMENT STAGE 1: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	322713-25	Townland, address	Curragh Road, Athgarvan, Newbridge, Co. Kildare
Description of project		Demolition of 2 no. vacant houses and associated agricultural structures and the construction of a retirement village comprising 86 no. residential units and a recreation building.	
Brief site description, relevant to WFD Screening,		Site is a greenfield site in the village of Athgarvan. It was previously in use as primarily agricultural with 2 no. residential units.	
Proposed surface water details		The proposed retirement scheme would incorporate SUDS, they would be fully permeable and capable of retaining rainwater using rainwater planters and rainwater nature ponds planted with trees and shrubs.	
Proposed water supply source & available capacity		It is proposed to connect to the public network.	
Proposed wastewater treatment system & available capacity, other issues		It is proposed to connect to the public network.	
Others?			

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status (2016-2021)	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body.	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	c. 750m east	Liffey_070 (IE_EA_09L010850)	High	Not at risk	No pressures	No direct pathway
Groundwater Waterbody	Underlying site	Curragh Gravels East (IE_EA_G_017)	Good	Not at risk	No pressures	No direct pathway

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Liffey_070 (IE_EA_09L0 10850)	Surface water and foul drainage will be directed through the drainage networks.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practices	No	Screened out
2.	Ground	Curragh Gravels East (IE_EA_G_01 7)	Pathway exists but poor drainage characteristics	spillages	Standard construction practice	No	Screened out
OPERATIONAL PHASE							
3.	Surface	Liffey_070 (IE_EA_09L0 10850)	Surface water and foul drainage will be directed	Hydrocarbon spillage	SUDs features	No	Screened out

			through the drainage networks.				
4.	Ground	Curragh Gravels East (IE_EA_G_017)	Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						