Inspector's Report

ACP-323351-25

Development	15 houses and 4 maisonette apartments, with ancillary and associated site development works. An NIS is submitted with the appeal.
Location	Church St, Kilcock, Co. Kildare
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	2560544
Applicant(s)	Mulberry Properties Limited
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Mulberry Properties Limited
Observer(s)	Andrew Docherty
Date of Site Inspection	18/9/26
Inspector	Ronan Murphy

1.0 Site Location and Description

1.1. The appeal site is located on the northwestern outskirts of Kilcock and is c. 475m from the town centre. The appeal site is irregular in shape, has an area of c. 0.564ha and is generally flat. At present the site is currently under large amounts of undergrowth with vegetated boundaries.

1.2. The area surrounding the site is mixed used in character with residential to the southwest and east, a creche to the northwest with the Royal Canal Towpath to the south. The Towpath is c.2-3m elevated form the appeal site.

2.0 Proposed Development

2.1. The proposed development comprises of the construction of 19 dwellings, a new vehicular and pedestrian entrance from Church Street, a new ramped pedestrian connection to the Royal Canal Greenway, 23no. carparking spaces, a covered short-term bicycle parking area for 10no. bicycles, site landscaping including all boundary works including walls, site services and drainage.

2.2. The dwellings which are proposed comprise of the following:

- 4 no. 3-storey, 4-bedroom end-of-terrace houses.
- 9 no. 2-storey, 3-bedroom mid-terrace houses.
- 2 no. 2-storey, 3-bedroom end-of-terrace houses; and
- 2 no. maisonette units containing 2 no. 1 Bedroom dwellings in each.

2.3 The proposal is set out in four No. terraces set around a central area of open space. Terrace 1 and 2 which contain 4 units each are arranged along the road frontage with Church Street. Terraces 3 and 4 contain 6 No. and 5 No. houses respectively to the eastern and western boundaries of the land.

2.4 The proposed dwellings would have heights ranging from 9.34m to 10.144m and would be finished in a mixture of select buff coloured brick at lower floors and render at upper floors.

2.5 The following key parameters are noted:

Site area	0.564ha
Residential Units	19
Total floor space	1,952.11m^2
Building Height	c. 9.34m-10.144m
Density	33 dph
Public open space	598m^2 Main area of open space
Access	Vehicular and pedestrian via Church Street
Car and cycle parking	23 car parking spaces

Table 1 Development Parameters

2.6 The proposal would have the following unit mix:

Unit Type	**No of units**	**%**
1 bed units Maisonettes	4	21.05%
3 bed units	11	57.89%
4 bed units	4	21.05%
Total	**19**	**100%**

Table 2 Unit mix

2.7 The proposal also includes a ramp to provide access to the Royal Canal towpath. The proposed ramp would have an approximate rise of 2m at a gradient of 1:10. The area in which the ramp is proposed would be landscaped.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1 By order dated 15/7/25 the Planning Authority decided to refuse planning permission for 3 No. reasons as set out below:

1. Having regard to the Kildare County Development Plan 2023-2029 , the Kilcock Local Area Plan 2015-2021, and the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), it is considered that the proposed development, due to its layout, unit types, architectural approach and lack of addressing the Royal Canal Greenway, fails to provide an appropriate design response for the site which is zoned C1- New Residential in the Kilcock Local Area Plan 2015-2021 and which specifically requires that "Any proposals for development shall comply with the policies and objectives of the Urban Design Framework Plan (see Section 7.4.1) and with the guiding principles contained in section 7.4.4.1.B". It is considered that the proposed residential development fails to comply with the zoning objective for the site, would seriously injure the residential amenities of future occupants and would be contrary to the provisions of Chapter 14 Urban Design, Placemaking and Regeneration' of the Kildare County Development Plan 2023-2029, in particular Objective UD 01 which requires a high standard of urban design to be integrated into the design and layout all new development and would therefore be contrary to the proper planning and sustainable development of the area.

2. Having regard to the lack of information within the application in relation to Appropriate Assessment Screening and Natura Impact Statement with regard to the potential hydrological connection to the European Site through hydrological connection to the Rye Water Valley/Carton SAC 001398, the Planning Authority is not satisfied that the proposed development would not have an impact on the qualifying interests and integrity of the European sites network. Additionally, having regard to the lack of Ecological Impact Assessments submitted with the application, to permit the development as proposed would contravene materially the development objectives set out at Chapter 12 of the Kildare County Development Plan 2023-2029, including Objectives BI O1, BI O9 and BI O10 for the adequate assessment and integration of biodiversity on site and the conservation and preservation of European Sites and

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

3. Objective IN O22 of the Kildare County Development Pan 2023-2029 requires the implementation of Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage as an integral part of all new development proposals. The proposed surface water drainage does not provide for SuDS. Additionally, objective IN O24 seeks to only consider underground retention solutions when all other options have been exhausted and underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution. It is therefore considered that the proposed development due to its surface water drainage approach contravenes objectives IN O22 and IN O24 of the Kildare County Development Plan 2023-2029 and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.1.1 There is one planning report on file dated 4/7/25. The area planner notes that the site is within the C1 'New Residential Zone' of the Kilcock Local Area Plan and that the principle of a residential development on the site is considered to be acceptable.

3.2.1.2 However, the area planner does outline concerns with respect to the layout provides minimal interaction with the southern boundary of the site and the Canal Greenway. In addition to this the area planner highlights concerns relating to the impact of terrace 3 on the residential amenity of the property to the west of the site.

3.2.1.3 The area planner notes that the Parks Department requested an extensive further information in relation to tree survey, schedule, Arboricultural impact assessment, tree constraints plan, tree protection plan, Arboricultural method statement, ecological assessment, SuDS integration, play equipment etc.

3.2.1.4 It was noted that further information was requested from the Transport section in relation to general roads engineering details, DMURS, EV charging and access to Royal Canal greenway.

3.2.1.5 Concerns were raised that the proposed development does not accord with objectives IN O22 and IN O24 of the Kildare County Development Plan 2023-2029. There were further concerns that Waterways Ireland did not consent to the proposed access to the Grand Canal Tow path and that that no Appropriate Assessment Screening Report or Natura Impact Statement was included with this application given the potential hydrological connection to the European Site through to the Rye Water River to the Rye Water Valley/Carton SAC 001398.

3.2.1.6 Refusal was recommended on the basis of the above.

3.3 Other Technical Reports

Strategic Projects and Public Realm: Report dated 27/5/25 requesting Further information.

Water Services: Report dated 6/6/25 requesting further information.

Roads / Transport: Report dated 10/6/25 requesting further information.

Environment Section: Report dated 24/6/25 outlining no objection subject to conditions.

Chief Fire Officer: Report dated 19/6/25 outlining no objections subject to a condition.

Building and Development Control: Report dated 25/6/25 requesting Further information.

Ecology: Report dated 1/7/25 requesting further information.

Parks: Report dated 2/7/25 requesting further information.

Housing: Report dated 10/7/25 requesting further information.

3.4 Prescribed Bodies

Waterways Ireland: Response dated 29/5/25 outlining concerns of the impact of any development on the canal and its environments and boundaries and that the location and maintenance of this access point onto the Greenway / canal towpath would also need agreement between both parties.

Department of Housing, Local Government and Heritage: Response dated 20/6/25 requesting further information.

3.5 Third Party Observations

3.5.1 A total of 5 submissions to the initial application were received.

3.5.2 Two of the submissions were in support of the application and a third submission was from Waterways Ireland.

3.5.3 The concerns outlined by objectors can be summarised as follows:

- Insufficient separation distance
- Overlooking of existing dwellings and adjoining creche.
- Overshadowing.
- Overdevelopment of the site.
- Existing surface water pipe that is located under the proposed units 10/11 has blocked a number of times over the last 10 years causing the water to back up resulting in flooding in adjoining property.
- Open space does not meet the 15% requirement under the KCDP 2023-2029.
- Telecoms lines running over the proposed development.
- Site notice was difficult to see.
- Traffic congestion and traffic safety issues.

4 Planning History

Appeal site

Reg. Ref. 21/1786: Application for the construction of 11 no. 4 and 5-bedroom detached dwellings. Permission is also sought for all associated site development works, car parking, landscaping, open spaces, public lighting, and connections to foul and surface water drainage/attenuation systems and mains water supply. Permission refused for 2 No. reasons:

1. *The subject site is zoned C1 – New Residential and also designated as Enfield Road Neighbourhood Expansion Area in the Kilcock Local Area Plan 2015-2021 which requires that any proposal for development on this site shall be consistent with specific guiding principles and objectives contained in section*

7.4.4.1.B of the Plan. The proposed development fails to reflect the guidance and objectives set out for the lands in terms of density, layout, housing mix and tenure, legibility, and accessibility. Further it is considered that the density of the proposed development fails to make adequate and efficient use of residentially zoned, serviced lands in proximity to Kilcock town centre. Consequently, to permit the development as proposed would contravene the Kilcock Local Area Plan 2015-2021 and would therefore be contrary to the proper planning and sustainable development of the area.

2. *The proposed design and layout is deficient and it is considered that the proposed development would provide a poor standard of residential amenity for prospective occupants by reason of inadequate provision for vulnerable road users throughout the site, disjointed open space that is not adequately overlooked, the failure to adequately address the Royal Canal to the south, insufficient detail regarding a pedestrian connection to the Royal Canal, a lack of variety of house types, undue overlooking of private open space within the development and car parking spaces that are not easily accessible. The proposed development would conflict with the provisions of Section 15.8 of 'Chapter 15 Urban Design' of the Kildare County Development Plan 2017-2023 relating to the design and layout considerations and would, therefore, be contrary to the proper planning and sustainable development of the area.*

Reg. Ref. 23/60517: Application for 17 no. residential units, 18 no. car parking spaces; 940 m² Public Open Space; New vehicular and pedestrian access from Church Street (R148); New Public Access to the Royal Canal Greenway; Site landscaping, public lighting, short term bicycle parking, and all associated site works. Permission refused for 1 No. reason:

1. Having regard to the Kildare County Development Plan 2023-2029, the Kilcock Local Area Plan 2015-2021, and the Sustainable Residential Development and Compact Settlements- Guidelines for Planning Authorities (2024), it is considered that the proposed development, due to its architectural detailing, particularly along Church Street, corner treatment, failure to provide for vulnerable road users, inadequate provision of public realm, inadequately designed open space, insufficient details regarding connection to the Royal Canal, and car parking spaces that are not easily accessible fails to deliver an appropriate sense of enclosure, streetscape and public

realm for this emerging Enfield Road Neighbourhood Expansion Area. Furthermore, the development fails to provide an appropriate design response for the site which is zoned Cl- New Residential in the Kilcock Local Area Plan 2015- 2021 and which specifically requires that "Any proposals for development shall comply with the policies and objectives of the Urban Design Framework Plan (see section 7.4.1) and with the guiding principles contained in section 7.4.4.1. B." It is considered that the proposed residential development fails to comply with the zoning objective for the site, would seriously injure the residential amenities of future occupants and would be contrary to the provisions of Chapter 14 Urban Design, Placemaking and Regeneration' of the Kildare County Development Plan 2023-2029, in particular Objective UD 01 which requires a high standard of urban design to be integrated into the design and layout all new development and would therefore be contrary to the proper planning and sustainable development of the area.

5 Policy Context

5.1 Development Plan

5.1.1 The *Kildare County Development Plan, 2023-2029* is the operative plan for the purposes of this appeal determination. Kilcock is identified as a self-sustaining town under the County Kildare Settlement Hierarchy. Self-sustaining towns have a high level of population growth and a weak employment base and have the potential to improve their employment offering through biotechnology, knowledge based digital enterprises, logistics, tourism and food and beverage products in order to strengthen their overall economic offering.

5.1.2 It is set out under Objective CS O9 to 'Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines'

5.1.3 I note that Chapter 3 of the Plan sets out the County's policies for 'Housing'. Notably, Section 3.8 (Protecting Existing Residential Amenity) and Section 3.9 (Regeneration, Compact Growth and Densification) of the Plan provides the following policies and objectives of relevance.

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

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

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

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

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

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

TM O50: Facilitate and support the extension of the DART+ line to Kilcock, the extension of the DART+ Southwest line to Naas/Sallins (and promote a future extension to Newbridge and Kildare Town in the next DART + programme / GDA Transport Strategy Review) and the extension of the LUAS network, in co-operation with Irish Rail, the Department of Transport and the National Transport Authority.

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

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

IN O22: Require SuDS and other nature-based surface water drainage as an integral part of all new development proposals.

IN O23: Reduce storm water run-off and ensure that it is disposed of on-site or attenuated and treated prior to discharge with consideration for ground infiltration, storage, and slow-down.

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

IN O26: Ensure as far as practical that the design of SuDS enhances the quality of open spaces. SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space. In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum of 10% of open space provision shall be taken up by SuDS. The Council will consider the provision of SuDS on existing open space, where appropriate. The 'Sustainable Urban Drainage Systems Guidance Document' prepared as an action of this plan shall supersede this standard.

5.1.6 Chapter 14 sets out policy with respect to Urban Design, Placemaking and Regeneration.

5.1.7 Chapter 15 sets out Development Management Standards.

5.2 Kilcock Local Area Plan (LAP), 2015-2021

5.2.1. I make the Coimisiún aware that the Kildare County Council website states that 'Kildare County Council will have regard to the following adopted Local Area Plans until such time as they are reviewed or another plan made.' These include the *Kilcock Local Area Plan 2015-2021*.

5.2.2 Under the LAP, the site is within an area zoned 'C1 New Residential', the objective of which is '*To provide for new residential development in Enfield Road. This zoning provides for new residential development and other services incidental to residential development.* It is further stated that 'While housing is the primary use in this zone, recreation, education, crèche / playschool, clinic/surgery uses, sheltered housing and small corner shops are also envisaged, subject to the preservation of neighbouring

residential amenity. Permission may also be granted for home based economic activity within this zone, subject to the preservation of residential amenity and traffic considerations. Proposals for development on these lands shall comply with policies and objectives of the Urban Design Framework Plan (see section 7.4.1) and with the guiding principles contained in section 7.4.4.1.A.

5.2.3 In addition to this, there is an objective on the land for a pedestrian / cycle bridge.

5.3.3 The following policies and objectives are pertinent:

Section 7.4.4.1 relates to Neighbourhood Expansion Areas. Area B- Enfield Road includes the appeal site. In broad terms the design guidance seeks to develop a new urban neighbourhood, create a high-quality physical environment through the development of a coherent spatial structure and to provide new linkages to ensure increased connectivity with the town centre and train station.

Policy SKO4 which seeks to provide for sustainable neighbourhood expansion areas.

Policy SKO5 which seeks to promote and encourage high-quality urban design.

Policy SKO7 which seeks the renewal of derelict, underused, and vacant sites in accordance with relevant legislation.

Policy SK32 which seeks to ensure that where a proposed development is located on a small plot it should present an active front to the street'.

Policy QH8 which seeks to encourage strong frontages along main thoroughfares creating definite building lines and continuity of the structure of the town centre.

Policy GK2 which seeks to protect from development where possible of hedgerows and trees as illustrated in the Green Infrastructure map. (See Map 9).

Policy GK3 which seeks to ensure that all proposals for development where appropriate have regard to the habitat description and recommendations.

Policy GK4: which seeks to improve pedestrian and cycle routes to recreational and amenity areas.

Policy GK5: which seeks to focus on key roads into Kilcock such as Church Street, Courtown Road and the Maynooth Road for 'greening' by way of higher standards of planting creating green avenues/boulevards entering the town.

Policy GK6: which seeks to protect and improve the natural character of the Royal Canal and the Rye Water River by promoting access, walkways, cycle lanes, and other compatible uses along them.

Policy GK16: which seeks to protect (c)SACs, SPAs, NHAs, and pNHAs.

Objective GKO10 which seeks to enhance the amenities of the River Rye Water and the Royal Canal.

Policy GK 25 which seeks to conserve and protect the natural habitats in the River and Canal systems.

Policy GK 26 which seeks to preserve views and prospects to and from the River Rye Water and the Royal Canal and to ensure that further development along either of the water systems does not affect the quality of either the scenic viewpoint or the waterways amenity.

Policy GK31 which seeks bat surveys in the event of lighting being proposed along river or canal corridors. Bat surveys shall include recommendations for suitable lighting.

Policy QH 8 which seeks to encourage strong frontages along main thoroughfares creating definite building lines and continuity of the structure of the town centre.

Policy QH 9 which seeks to ensure that new houses provide for the needs of family accommodation and provide a satisfactory level of residential amenity.

Policy QH10 which seeks to ensure that new housing development close to existing houses reflect the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise.

5.2 National/Regional Plans/Policies

National Guidance

National Planning Framework (2040)-First Revision April 2025

5.2.1 The National Planning Framework - Project Ireland 2040-updated in April 2025 sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential

development within existing built-up areas; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

5.3 Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document

5.3.1 This document shows how to move towards a more systematic and sustainable approach to urban planning and design that seeks to mimic the natural water balance of rural areas through “water sensitive urban design”.

5.4 Greater Dublin Strategic Drainage Study Volume 2 March 2005

5.4.1 This document is concerned with identification of similar approaches for the Local Authorities to adopt as to how drainage infrastructure for new development is managed.

5.5 Greater Dublin Regional Code of Practice for Drainage Works Volume 6 April 2006

5.5.1 While the Greater Dublin Strategic Drainage Study Volume 2 policies remain the overriding documents, this Regional Code of Practice for Drainage Works sets out the requirements of the Local Authorities in a more concise format for day-to-day use.

5.6 Section 28 Ministerial Guidelines

5.6.1 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:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These guidelines seek to support sustainable residential development and the creation of compact settlements for urban and rural areas.
- Quality Housing for Sustainable Communities: Design Guidelines. The purpose of these Guidelines is to assist in delivering homes, in sustainable communities that are socially inclusive.
- Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025. The purpose of these guidelines is to set out policy and guidance in

relation to the planning and development of apartments in all housing or mixed-use developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease, or for rental purposes.

Other relevant national guidelines include:

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

5.4 Natural Heritage Designations

5.4.1 The appeal site is not located within or adjoining any designated site. The nearest European Sites in close proximity to the appeal site are as follows:

- Rye Water Valley/Carton SAC (Site Code 001398) which is c.6.7km east of the site.
- Ballynafagh Lake SAC (site Code 001387) which is located c. 12.9km to the southwest of the site.
- Ballynafagh Bog SAC (Site Code: 000391) which is located c. 13.3km to the southwest of the site.

5.4.2 The nearest Natural Heritage Areas in close proximity to the appeal site are as follows:

- Royal Canal pNHA (site code: 002103) which is directly to the south of the appeal site.

5.4.3 An Appropriate Assessment Screening Report prepared by Veon Ecology was submitted with the first party appeal. The report includes a section on Author Details and a Statement of Authority. I am satisfied that the author of the report has the appropriate competencies to undertake Appropriate Assessment Screening reports.

5.4.4 The Screening Assessment determined that, in view of best scientific knowledge and in the absence of mitigation measures, potential likely significant impacts from the proposed development cannot be ruled out for the Rye Water Valley / Carton SAC (Site Code 001398). Therefore, an Appropriate Assessment and a Natura Impact

Statement was required. This was prepared by Veon Ecology and revised statutory notices were provided.

5.4.5 A full assessment is provided in Section 9 and Appendix 3 below relating to Appropriate Assessment.

6 EIA Screening

6.1 An EIA Screening report prepared by Purser has been received in response to a Further Information request by An Coimisiún Pleanála.

6.2 The EIA Screening Report includes a sub-threshold assessment set out in Section 3.3.3 of the document. The author concludes that the proposed development is a sub-threshold development. The author notes that the most relevant project type would be Class 10(b)(i) and Class 10 (b)(iv). In concluding that the project would be sub threshold the author notes the following:

- The subject site (at 0.56 ha) is significantly below the relevant thresholds of 10ha as set out in Schedule 5, Part 2, Class 10(b)(i) of the Planning and Development Regulations 2001 which is 10ha.

6.3 The author notes that an EIAR is required by Section 172 of the Act and Schedule 5, Part 2, Class 15 of the Planning and Development Regulations 2001 to accompany a planning application for sub-threshold development which would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7.

6.4 Therefore, EIA Screening report presents the information required by Schedule 7A of the Planning and Development Regulations 2001.The authors conclude the following:

- Having regard to the nature and scale and location of the proposed residential development, the characteristics of the receiving environment and the measures incorporated into the project to avoid or prevent significant adverse effects, the proposed development is not considered likely to have significant effects on the environment. Accordingly, a requirement for sub-threshold EIA does not arise.

6.5 I have considered the information provided and I am satisfied that having regard to the characteristics and location of the proposed development and the types and

characteristics of potential impacts 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 (refer to Appendix 1 and Appendix 2 of this report).

7 The Appeal

7.1 Grounds of Appeal

7.1.1 A first party appeal against the decision of Kildare County Council to refuse planning permission has been received from Purser on behalf of the applicant. I make the Coimisiún aware that this first party appeal includes an alternative layout. The alternative layout comprises of the following:

- The reorientation of the western terrace (Terrace 3) to address the Canal and the internal street. This would also allow for larger gardens for each of the units within the western terrace.
- The public open space has been relocated to a position closer to the centre of the site.
- Additional green space is provided along the southern boundary of the site and the existing native hedgerow along the canal is reinforced with further native planting.
- The internal road and footpath network has been altered to reflect the above alterations.

7.1.2 The first party appeal can be summarised as follows:

Reason No.1

- The proposed development complies with the zoning objective set out within the Local Area Plan.
- The principle of residential development on this site has been accepted by Kildare County Council on multiple previous occasions.
- The assertion that the proposal fails to comply with zoning objectives is unfounded. The proposal is entirely consistent with the zoning designation in land use terms and delivers a sustainable form of housing on serviced lands.
- The assertion that the proposed development fails to comply with the Urban Design Framework Plan is misplaced and overlooks the specific site context and constraints, which render it unfeasible to deliver the indicative layout shown in the Urban Design Framework of the LAP. The reason for refusal fails to

acknowledge that the proposed scheme fully upholds the underlying policies and guiding principles of the Framework.

- The UDF's prescribed is not achievable on this site without compromising design quality, policy compliance, and basic functional requirements.
- The design approach maintains the core objective of the UDF while delivering a feasible high-quality, policy compliant layout that responds appropriately to the sites real-world constraints.
- A detailed review of planning history demonstrates that both Kildare County Council and An Bord Pleanála have permitted schemes that diverge materially from the Kilcock LAP Urban Design Framework where site-specific conditions warranted it- e.g. the Zed Candy site, located immediately east of the appeal site and the Bawnogues site.
- This application was refused outright without any opportunity for amendment or clarification through the further information process. This inconsistent approach undermines fairness and fails to acknowledge that high-quality, policy compliant schemes can be delivered while varying from LAP's indicative block plan.
- The proposed development provides a balanced and sustainable mix of dwelling types including detached, semi-detached, and terraced units in a range of sizes suitable for households at different life stages and income levels. The unit mix complies with the objectives of the LAP.
- The proposed mix is appropriate to the site's scale, context and connectivity and directly supports LAP and National housing policy objectives.
- The architectural design draws on local vernacular forms and materials to create a high-quality contemporary scheme with a distinct local identity. Building massing has been carefully modulated to respect neighbouring properties.
- KCC's assertion that the scheme 'fails to address' the Greenway disregards the site's physical constraints including the sites significant level difference with the canal, coupled with the need to protect the structural and ecological integrity of the canal embankment which lies outside the applicant's ownership, precludes

a continuous active frontage without causing unacceptable daylight, sunlight and amenity impacts.

- Placing units directly at the toe of the embankment would be mean that the embankment would be visually overbearing, private gardens would be overshadowed and internal rooms would fail to achieve appropriate daylight and sunlight levels.
- Notwithstanding these constraints both the original and alterative layouts provide a high-quality pedestrian and cycle link between Church Street and the Greenway, visual connectivity through the orientation of public open space and passive surveillance of the greenway where feasible.
- The alternative layout further enhances engagement with the Greenway by reorientating a terrace of units parallel to the canal, creating an improved spatial relationship and increased passive surveillance.
- Both the original and alternative layouts meet or exceed all relevant quantitative and qualitative standards, provide generous well-designed public and private open space, and ensure all units achieve adequate sunlight, daylight, and privacy. On this basis the claim of serious injury to residential amenity is without foundation.
- The indicative layout sought by KCC would result in significantly poorer accommodation standards, particularly dwellings positioned directly adjacent to the 5m high canal embankment.
- The proposed development, in both the original and alternative layouts has been designed to fully meet and exceed the requirements of policy UD01 through a coherent street hierarchy, integration of DMURS principles throughout the scheme, centrally located, overlooked public open space, active building frontages and high-quality materials.

Reason No.2

- In preparing the AA screening and NIS, Veon Ecology carried out detailed field studies which confirm that there is a hydrological connection between the

proposed development site and the Rye Water valley / Carton SAC via the Royal Canal.

- A number of potential construction phase risks were identified including sediment or pollutant release, concrete works, machinery use, silt loading, spreading of invasive species and potential disturbance to fauna. The NIS incorporates robust best practice and mitigation measures to ensure that risks are effectively avoided or controlled.
- Mitigation measures include pollution prevention protocols, strict surface water management, invasive species controls and noise and disturbance minimisation. With these measures in place, the risk of any adverse effects on the qualifying features of the SAC or other European sites within the projects Zone of Influence is eliminated.
- The appeal documentation includes an Ecological Impact Assessment and the mitigation measures set out in Section 6 are to be implemented in full during both the construction and operational phases.
- The proposal complies with Objective BI 09 and BI O10 in full.

Reason No. 3

- The revised scheme includes permeable paving applied to on-site car parking, allows rainwater infiltration through the paving to an engineered sub-base, storing water within voids before controlled release to the drainage network.
- The bio retention basin would be integrated into the central green open space, stormwater filters downward through a specialised filter medium, removing fine contaminates, attenuates flows before discharge, providing both hydrologic and water quality benefits.
- These measures represent the most effective and practical SuDS solution achievable give the physical constraints of the site. They fully align with Objective IN O22 by delivering nature-based surface water management integrated into the site layout.
- The original application included an attenuation included an attenuation tank beneath the Public Open space. This has now been removed in its entirety. The

revised design replaces it with a nature-based bio-retention basin described above, ensuring compliance with objective IN O24.

7.2 Planning Authority Response

7.2.1 A response has been received from the Planning Authority by letter dated 8/9/25 which states that the Planning Authority notes the content of the first party appeal and has no further comment to make.

7.3 Observations

7.3.1 An observation has been received from Andrew Docherty on behalf of the owners of the residential property 'Inver' which is on the western perimeter of the proposed development. This observation includes photographs. The observation can be summarised as follows:

- The site has been vacant for several years and the proposal for a low-density residential development in the town is in line with the existing residential development in the area.
- While the principle of development is welcomed, there are concerns in relation to the inadequacies of the planning application submitted and the design of the proposed development.
- The originally submitted development would cause complete overlooking of the property to the west by 6 two storey houses which would remove all privacy to the living area and front / back gardens which would be in close view of the six proposed houses (numbers 9 to 14) which would be 8-10m away from the property.
- Option A would have 13 habitable area windows on the first floor overlooking the living area of the property Inver, with only 8-10 metres separation. The 6 proposed ground level patio doors and windows will also have the potential for overlooking depending on the building level of the ground floor, which would generally be above ground level.
- Proposed units 9-14 have only 7.5-10m distance from the living area windows of Inver's living area to the rear of the proposed development. This is not in line

with the Kildare County Development Plan 2023-2029 which requires a separation distance of 22m.

- The living area of Iner is east facing, with the proposed heights of 10m and the approximate distance of 8-10m there would be a significant removal of sunlight and overshadowing of this area. An existing 1.75m fence casts a show of 7m. The proposal would be c.3m from the living area windows will have significant impact on the daylight that will be available and overshadow existing living areas and the front garden, especially during the winter months.
- This is demonstrated by the shadow diagrams submitted by the applicants on pages 3,4,8 and 16 and especially page 15.
- Request the consideration of, and more information on the boundary trees planned for directly against the dividing wall, any trees planted in this area will very soon be encroaching ad further reducing the available daylight and potentially impacting the drainage and guttering. The boundary treatment along the western boundary be reviewed to take all of the above into account.
- There is connecting drainage at the front (north) and side (east) of the property Inver which drains from the property into the proposed development site. This connects up underground from our property into the field under proposed houses 10 and 11 and to the main drains on Church Street.
- This pipeline has been blocked on many occasions in the past 10 years causing water to back up and flooding the front of our property.
- We have required the drains to be unblocked to relieve flooding. The ground along the western boundary is susceptible to saturation. The current plan does not take note of or propose a solution in terms of the current drainage issue.
- Concern if this is not addressed it could lead to additional surface water issues, more flooding to the front of the property and seepage into the creche which is on a lower ground level than Inver and the proposed development.
- Currently our telecom lines are running over the proposed development area diagonally from properties 9 to 11. We would ask for clarification on what plans can be put in place to ensure these phone lines will be treated as part of the development to ensure minimum interference or loss of service. While this is a

matter between the developer and EIR, we would like to have some planning around the arrangements for clarity and minimum impact of service.

- With the options available we would support option B outlined in the appeal. Option B would raise some issues in relation to the points made above but these could be resolved. Lighting issues would be minimal which would help to relieve our main concerns.
- Support the development of the site in line with 'Option B.' The development of vacant sites within the town is welcomed and expected. The design should be of a high quality and integrate successfully with the existing streetscape and character of the area and built environment.
- Development should not have a detrimental impact on the privacy, quality of life or the private amenity space of existing residents. For this reason, 'Option A' will have a severe, permanent, and detrimental impact on established residents.

7.4 Further Responses

7.4.1 A response from the observer to the receipt of the applicants EIA Screening was made by way of letter dated 12/9/26. The submission can be summarised as follows:

- Strongly contests that the proposed development would not cause overlooking, consisting of the living room and entire garden area. The houses would be overlooking the entire western boundary the proposal removes all privacy and does not show respect in relation to privacy.
- There is a drainage pipe running into the land from the mid-section of the proposed developments western boundary. There is a manhole and open drains on our side of the perimeter wall.
- This pipe would be c.5-6 feet underground and would run under the proposed houses to the west of the site. There is no reference as to how this would be protected or preserved as part of the proposed development or during the construction phase. The proposal could disturb this pipe and lead to potential flooding of the property to the west.
- The building of 6 properties within metres of the western boundary will cause significant disruption. The detail provided in the EIA screening document is not

sufficient in its explanation of how this will be handled especially given the proximity to the property to the west.

- Concerns relating to the level of privacy that will be afforded to the living areas and garden given the proximity of heavy machinery operating during the construction stage.

8 Assessment

8.1 Having examined the appeal details and all other documentation on file, including submissions and responses, the report of the local authority and having inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Environment
- Drainage Design
- Flood Risk
- Appropriate Assessment Screening
- Water Framework Directive
- Other matters

8.2 Principle of development

8.2.1 The appeal site is zoned 'C1 New Residential', the objective of which is '*To provide for new residential development in Enfield Road. This zoning provides for new residential development and other services incidental to residential development.* It is further stated that 'While housing is the primary use in this zone, recreation, education, crèche / playschool, clinic/surgery uses, sheltered housing and small corner shops are also envisaged, subject to the preservation of neighbouring residential amenity. Permission may also be granted for home based economic activity within this zone, subject to the preservation of residential amenity and traffic considerations. Proposals for development on these lands shall comply with policies and objectives of the Urban

Design Framework Plan (see section 7.4.1) and with the guiding principles contained in section 7.4.4.1.A' There is also an indicative Pedestrian / Cycle Bridge to the south of the site to provide connection to the Royal Canal.

8.2.2 The use 'dwelling' is permitted in principle in the C1 Zone. A park / playground is also permitted in principle in the C1 Zone. The proposed development is therefore considered to be acceptable in principle under the C1 Zone, this is subject to a full assessment of the proposal.

Density / Layout / Design

8.2.3 The density of the proposed development would be 33 units per hectare. It is noted the Core Strategy Table (Table 2.8) of *the Kildare County Development Plan 2023-2029* outlines a target residential density of 35-40 units per hectare. In addition to this Kilcock is identified as a Key Town / Large Town in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

8.2.4 The appeal site is located c.780m from Kilcock Train Station and therefore, I would consider that the site is within an Intermediate Location as defined in Table 3.8 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. The appropriate density range for the appeal site is therefore 30-50 units per hectare as set out in Table 3.5 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024.

8.2.5 While I note that the density of the proposed development is at the lower end of the density range, I am satisfied that that the shape of the site, in combination with its location in proximity to the Royal Canal and existing residential development on adjoining sites would mean that a higher density on this site would not be possible without impacting on views along the canal and the residential amenities of abutting properties.

Layout

8.2.6 The proposed development comprises of 19 No. dwellings set out in four terraces set around a central area of public open space.

8.2.7 Terrace 1 is to the north-east of the site and comprise of units 1-4, terrace 2 is located to the west of terrace 1 and comprises of units 5-8. Terrace 3 is located to the west of

the site and comprises of units 9-14 and terrace 4 is located to the south-east of the site and comprises of units 15-19.

8.2.8 As previously outlined the first party provided an alternative layout as part of the first party appeal. In broad terms, the alternative layout reorientates Terrace 3 from an east-west orientation to a north-south orientation. The alternative layout also slightly alters the location of the public open space, the internal road layout and increases the planting along the southern boundary of the land.

8.2.9 I have considered both the layout submitted with the initial application and the alternative layout submitted at appeal stage and I am of the opinion that the alternative layout is superior to the initially lodged layout. I have come to this conclusion for the following reasons:

- The reorientation of Terrace 3 would reduce any potential impacts on the residential amenity of the property to the west by way of overlooking.
- The reorientation of Terrace 3 to face the Royal Canal would provide for a better urban design outcome for views from the Canal.
- The alternative internal road / footpath layout allows for a greater level of permeability between the Royal Canal to Church Street through the site.
- The alternative layout more closely aligns with the indicative layout shown in the Neighbourhood Expansion area Part B as shown in Section 7.4.4.1 of the *Kilcock Local Area Plan 2015-2021*.

8.2.10 Having considered the foregoing, I am satisfied that the alternative layout of the proposed development is acceptable, and it successfully integrates with the surrounding streetscape and with the Royal Canal to the south of the site.

Design

8.2.11 The proposed dwellings would have heights ranging from 9.34m to 10.144m and would be finished in a mixture of select buff coloured brick at lower floors and render at upper floors.

8.2.12 In my opinion, the overall design of the dwellings would be typical of a residential development at the periphery of a town such as Kilcock and I am satisfied that; such design would not visually detract from the residential amenity of the surrounding area. In this regard, I refer the Coimisiún to the CGI's submitted with the initial application and the contiguous elevations in Appendix A of the first party appeal submission.

8.2.13 Notwithstanding this, I would have concerns with respect to the use of large amounts of render. In my opinion, the design of the scheme would be improved by the use of high quality, durable materials such as brick similar to the finish at lower floors. This matter could be dealt with by way of a condition, should the Coimisiún be of a mind to grant planning permission.

Unit Mix

8.2.14 The mix of house units is set out in Table 2 above and I am satisfied that the mix of houses is acceptable, given the appeal sites location within Kilcock.

Floor areas -Houses

8.2.15 In assessing the proposed development including the Housing Quality Assessment submitted with the House Typologies and Schedule of Accommodation within the Architectural Design Statement, I note that all the dwellings exceed the minimum overall floor area requirements as set out in Quality Housing for Sustainable Communities: Design Guidelines 2023. However, it is noted that the storage areas for the 3 bed-2 storey Mid-Terrace dwellings would be below the requirements. Given that the overall floor areas of these units are above the required floor area, I am satisfied that a relatively small non-compliance in the floor area of the storage rooms is acceptable in this case. Overall, I am satisfied that the floor areas of the dwellings are acceptable.

Floor areas- Maisonettes

8.2.16 The proposal includes 4 No. Maisonettes, and I have considered the floor areas in light of the Planning Design Standards for Apartments Guidelines for Planning Authorities 2025, and I am satisfied that all the Maisonettes exceed the minimum overall floor area requirements. Notwithstanding this, I note that the storage areas for the Maisonettes at 4.51m^2 are slightly lower than the required 5m^2, I am satisfied that a relatively small non-compliance in the floor area of the storage rooms is acceptable in this case. Overall, I am satisfied that the floor areas of the Maisonettes are acceptable.

Private Open Space

8.2.17 Private open space to serve each of the dwellings is proposed by way of back gardens. The relevant private open space areas for the dwellings range between c.37m^2 to 78.04m^2 and therefore I am satisfied that the back gardens would comply with the minimum area standards set out in SPPR2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. This is considered to be acceptable.

8.2.18 However, I note that the submitted plans do not show any private open space for the upper floor Maisonettes. The Maisonettes provide for 1-bedroom apartments and therefore a balcony of c.5m^2 would be required. This matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

Public Open Space

8.2.19 Public open space would be provided by way of a large central area of c. 598m^2 and a secondary area of public open space with an area of 210m^2 along the southern boundary of the site associated with the access to the Royal Canal. However, I do not intend to include the open space along the southern boundary of the land as part of the overall public open space area. This area is dominated by the path to the Royal Canal, is incidental and do not give any opportunities for active recreation.

8.2.20 . Therefore, the area of public open be 598m^2 which would be 10.53% of the overall site area. I note that this would not comply with the provisions of Section 15.6.6 of the *Kildare County Development Plan 2023-2029* which requires a minimum open space provision of 15% for greenfield sites. Notwithstanding this, Policy and Objective 5.1 of the Sustainable and Compact Settlements Guidelines for Planning Authorities 2024 outlines that the requirement in the development plan shall be for 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. Having considered Policy and Objective 5.1 of the Sustainable and Compact Settlements Guidelines for Planning Authorities 2024, I am satisfied that the area of public open space provision is acceptable.

8.2.21 The main area of public open space would include a landscaped play area and would be reasonably overlooked by the proposed dwellings. I am satisfied that the proposed public open space is acceptable in this regard.

Car / Bicycle parking

8.2.22 I refer the Coimisiún to the site layout plan within Appendix A of the first party appeal for the alternative layout which demonstrates that a total of 20 car parking spaces is proposed.

8.2.23 Table 15.8 of the *Kildare County Development Plan 2023-2029* outlines that 1 car parking space per unit up to and including 3 bed units and 1 space +0.5 is required for units of 4 beds or over. I note that Section 15.7.8 of the *Kildare County Development Plan 2023-2029* states that residential development in areas within walking distances of town centres (800 metres i.e. a 10-minute walk) and high-capacity public transport should be designed to provide for fewer parking spaces.

8.2.24 In addition to this, SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities states that a maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling.

8.2.25 Having considered all of the above, I am satisfied that the appeal site is within walking distance of Kilcullen Town Centre (c.475m) and therefore fewer car parking spaces would be acceptable in this instance and would comply with the local and government policy to reduce reliance on the private car.

8.2.26 Notwithstanding this, I note that provision for EV charging is not shown on the plans, this matter could be dealt with by way of condition, should the Coimisiún be of a mind to grant planning permission.

Bicycle Parking

8.2.27 The alternative layout plan submitted with the first party appeal shows that a covered bicycle parking stand with a capacity of 10 spaces is proposed to the southern boundary of the site. SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 states that in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Given that 8 of the proposed dwellings would be 3 bedroom-mid terrace dwellings cycle storage of 24 spaces would be required. It is my opinion that additional bicycle parking provision should be provided to ensure compliance with SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for

Planning Authorities 2024. This matter could be dealt with by way of condition should the Coimisiún be of a mind to grant planning permission.

Access to Royal Canal

8.2.28 The application proposes to provide access to the Royal Canal by way of an access ramp. The access ramp to is proposed to the south of the site and would have an approximate rise of 2m at a gradient of 1:10. The area around the proposed ramp would be landscaped.

8.2.29 The application was referred to Waterways Ireland. A response from Waterways Ireland states the following:

- Any change or alteration of the boundaries including removal of hedge/vegetation along the Royal Canal would require extensive consultation with Waterways Ireland.
- Waterways Ireland have concerns of the impact of any development on the canal and its environments and boundaries.
- Waterways Ireland does not permit the discharge of any kind into the canal either during or after the development of any site.
- The Planning application includes proposed bicycle and pedestrian path connecting to the Greenway / canal towpath, this would require extensive consultation with Waterways Ireland. The location and maintenance of this access point onto the Greenway / canal towpath would also need agreement between both parties.

8.2.30 I note the response of Waterways Ireland, with respect to the access, I make the Coimisiún aware that there are a number of connection points along the Royal Canal into existing residential developments in proximity to the appeal site. I am satisfied that these matters could be dealt with by way of a condition requiring that the developer consult and agree with Waterways Ireland prior to the commencement of development.

Residential Amenity of surrounding properties

Overlooking

8.2.31 Having regard to the alternative layout including the set back of proposed units from external properties, I do not have any concerns that the proposed development would lead to any undue overlooking either externally or within the proposed development.

8.2.32 I have come to this conclusion having considered the alternative layout submitted with the first party appeal which shows that Terrace 3 has been reorientated so that the side faces the residential property to the west. There are no windows within the western façade of Terrace 3 and therefore there is no potential for overlooking of the residential property to the west of the site.

8.2.33 In addition to this I note that the rear elevations of the dwellings within Terrace 2 face the rear elevations of dwellings within the Pinewood Lawns residential development to the east of the site. However, the dwellings within Terrace 2 would be set back between c.26m and c.30m from the dwellings within Pinewood Lawns. This set back would comply with SPPR1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and as such is acceptable.

Overshadowing / Overbearing

8.2.34 I refer the Coimisiún to the Shadow Diagrams for Kilcock Residential Development prepared by Digital Dimensions submitted with the initial application. While I note these diagrams do not include the alternative layout, they do provide a reasonable guide to the shadow casts from the site.

8.2.35 Having regard to the information provided in the Shadow Diagrams for Kilcock Residential Development prepared by Digital Dimensions, the layout of the proposed development, the sun path, the relatively modest height and the setbacks achieved, I am satisfied that the proposed development would not cause any undue overshadowing of abutting properties or cause any undue overbearing development.

Conclusion

8.2.36 Having considered all of the above, I am of the opinion that reason No.1 for refusal is not warranted in this case. I am satisfied that the layout of the alternative scheme complies with the objectives of Section 7.4.1 of the Kilcock Local Area Plan 2015-2021 and that the layout broadly complies with the guiding principles combined with Section

7.4.4.1B. In addition to this I am satisfied that the proposed development provides for a good level of Urban Design and would comply with Objective UD-01 of the *Kildare County Development Plan 2023-2029*.

8.3 Environment

8.3.1 Reason No.2 for refusal states (inter alia) that as a result of a lack of information in relation to an Appropriate Assessment Screening and Natura Impact Statement with regard to the potential hydrological connection to the European Site through hydrological connection to the Rye Water Valley/Carton SAC (Site Code 001398), the Planning Authority is not satisfied that the proposed development would not have an impact on the qualifying interests and integrity of the European sites network.

8.3.2 Reason No.2 for refusal also states that the proposed development would materially contravene the development objectives set out at Chapter 12 of the *Kildare County Development Plan 2023-2029*, including Objectives BI O1, BI O9 and BI O10 for the adequate assessment and integration of biodiversity on site and the conservation and preservation of European Sites.

8.3.3 In response the first party states that an AA screening report and NIS have been prepared which confirms that there is a hydrological connection between the proposed development site and the Rye Water valley / Carton SAC via the Royal Canal. In addition to this, a number of potential construction phase risks were identified including sediment or pollutant release, concrete works, machinery use, silt loading, spreading of invasive species and potential disturbance to fauna. The first party states that Mitigation measures include pollution prevention protocols, strict surface water management, invasive species controls and noise and disturbance minimisation. With these measures in place, the risk of any adverse effects on the qualifying features of the SAC or other European sites within the projects Zone of Influence is eliminated.

Natura Impact Statement

8.3.4 I make the Coimisiún aware that an Appropriate Assessment and Natura Impact Assessment which was prepared by Neon Forestry, Ecology and Environment was submitted with the first party appeal and is presented in Appendix B of the first party appeal.

8.3.5 The Natura Impact Assessment identifies that the proposed development is within the Zone of Influence of the Rye Water Valley / Carton SAC (Site Code: 001398), Ballynafagh Lake SAC (Site Code:001387) and Ballynafagh Bog SAC (Site Code: 000391).

8.3.6 The Natura Impact Assessment identifies that there is a Hydrological connection via the Royal Canal to the Rye Water Valley / Carton SAC.

8.3.7 Section 7.4 of the NIS identifies there may be potential impacts from the proposed development on the Rye Water Valley / Carton SAC.

8.3.8 Section 8 of the NIS identifies mitigation measures to ensure that the construction and operational phases of the proposed development would not have any impact on the Conservation Objectives of the Rye Water Valley / Carton SAC.

8.3.9 I am satisfied that the Natura Impact Statement submitted with the first party appeal is sufficiently detailed to make a determination with respect of the impact of the proposed development on the Conservation Objectives of any Natura 2000 sites and that Reason No.2 is not warranted in that regard. I make the Coimisiún aware that a full AA screening will be undertaken in Section 9 below.

Ecological Impact Assessment

8.3.10 An Ecological Impact Assessment has been prepared by Veon Ecology and is presented in Appendix C of the first party appeal.

Habitats and Flora

8.3.11 The Ecological impact Assessment notes that no Annex II species were identified within the appeal site or the immediate vicinity. Foxes were the only mammalian species noted on site and that the House Martin was the only IUCN (amber) listed species recorded on site but that no habitats on site would be classified as one of importance to the species. In this regard Table 3.2 notes that no evidence of Otters or badgers were found on site. Further to this, Section 5.2.6 notes that no Bat roosts were found on site. Whilst this is noted a bat survey has not been provided. This could be dealt with by way of condition which requires a bat survey undertaken by a suitably qualified professional to be agreed with the Planning Authority prior to commencement of development.

8.3.12 In addition to this, surveys on site did not record the presence of any plant species listed in Schedule 3 of the European Communities (Birds and Natural Habitats) Regulations 2011 or identified as High Risk in Invasive Species Irelands 2013 report risk analysis and prioritising for invasive and non-native species in Ireland and Northern Ireland within the proposed development.

8.3.13 Section 5 of the Ecological Impact Assessment sets out mitigation measures for design phase, construction phase, and operational phases, including measures to minimise dust, noise and the protection of soil, surface water and groundwater, the protection of flora and fauna, wastewater management, and light luminance measures.

8.3.14 I have considered the mitigation measures outlined in section 5 and I am satisfied that subject to compliance with such, the proposed development would not have an undue impact on the Ecology of the appeal site and surrounding areas.

8.3.15 I note that neither the initial application or the first party appeal includes an Arboricultural Assessment and that the Parks Department requested that such a report be provided by way of Further Information.

8.3.16 While I note the concerns of the Parks Department, the initial application includes a Landscape Plan which states that existing trees and hedgerows to be protected, retained and managed to maximise their visual softening of the proposed scheme and to maintain and improve the site biodiversity. In addition to this, the alternative layout demonstrates that the existing native hedgerow along the canal will be reinforced with further native planting.

8.3.17 In my opinion, should the Coimisiún be of a mind to grant planning permission, this matter could be dealt with by way of conditions seeking that an Arboricultural Assessment be submitted to and agreed in writing with the Planning Authority before development commences.

Material Contravention

8.3.18 I note that Reason No. 2 states that the proposed development would materially contravene the development objectives set out at Chapter 12 of the *Kildare County Development Plan 2023-2029,* including Objectives BI O1, BI O9 and BI O10 for the adequate assessment and integration of biodiversity on site and the conservation and preservation of European Sites.

8.3.19 I am satisfied that the Appropriate Assessment and Natura Impact Statement prepared by Neon Forestry, Ecology and Environment and the Ecological Impact Assessment prepared by Veon Ecology included with the first party appeal demonstrate that the proposed development would not have any impacts on the Conservation Objectives of any Natura 2000 sites and would not have an undue impact on Ecology both within the site and in the surrounding area. In both cases, this is dependent on mitigation measures. Having considered all of the highlighted reports, I am satisfied that the proposed development would not result in a material contravention of the *Kildare County Development Plan 2023-2029.*

8.3.20 If the Coimisiún does not agree with the above assessment and considers that the proposal does constitute a material contravention of Objectives BI O1, BI O9 and BI O10 of the *Kildare County Development Plan 2023-2029*, it must refuse planning permission on this basis.

8.4 Drainage Design

8.4.1 Reason No.3 for refusal states that the proposed surface water drainage does not provide for SuDS. Additionally, objective IN O24 seeks to only consider underground retention solutions when all other options have been exhausted and underground tanks and storage systems will not be accepted under public open space, as part of a SuDS solution. It is therefore considered that the proposed development due to its surface water drainage approach contravenes objectives IN O22 and IN O24 of the *Kildare County Development Plan 2023-2029*.

8.4.2 In response the first party states that the revised scheme includes permeable paving applied to onsite car parking, allows rainwater infiltration through the paving to an engineered sub-base, storing water within voids before controlled release to the drainage network. In addition to this, it is stated that a bio retention basin would be integrated into the central green open space, stormwater filters downward through a specialised filter medium, removing fine contaminates, attenuates flows before discharge, providing both hydrologic and water quality benefits. It is submitted that these measures represent the most effective and practical SuDS solution achievable given the physical constraints of the site.

8.4.3 Objective IN O24 states that underground attenuation will only be considered when all other options have been exhausted and that storage systems will not be accepted under public open space, as part of a SuDS solution.

8.4.4 I note that the report of the Water Services Department of Kildare County Council states that use of underground drainage techniques are to be limited across Kildare as per Objective IN O24 but recommends that Further Information be requested to allow the applicant to submit a Sustainable Drainage Systems (SuDS) Maintenance Plan for the written approval of the Planning Authority.

8.4.5 I refer the Coimisiún to Appendix E of the first party appeal which comprises of an Engineering Planning Report prepared by Fitzsimons Consulting Engineers. I further refer the Coimisiún to Drawing No 600 '*Surface Water Drainage*' submitted with the first party appeal.

8.4.6 These show that the underground attenuation tank initially proposed within the public open space has been removed and has been replaced with a Bio-Retention Basin. The Bio-Retention basin allows stormwater to filter downward through a specialised filter medium. In addition to this, the bio-Retention basin attenuates flows before discharge, providing both hydraulic and water quality benefits and delivers measurable biodiversity and amenity.

8.4.7 In addition to this, the proposal would include SuDS measures including permeable paving applied to on-site parking bays and driveways. Such measures allow rainwater infiltration through the paving to an engineered sub-base, storing water within voids before controlled release to the drainage network. This in turn reduces peak surface water runoff, improves water quality through filtration, and facilitates pollutant breakdown.

8.4.8 Having considered the updated surface water strategy for the proposed development as set out in Appendix E of the first party appeal, I am satisfied that the Bio-Retention Basin within the area of open space in combination with the proposed permeable paving complies with Objective IN O24 of the *Kildare County Development Plan 2023-2029* and is acceptable.

8.4.9 Notwithstanding this, I refer the Coimisiún to Objective IN O26 which states (inter alia) that '*SuDS do not form part of the public open space provision, except where it contributes in a significant and positive way to the design and quality of open space.*

In instances where the Council determines that SuDS make a significant and positive contribution to open space, a maximum of 10% of open space provision shall be taken up by SuDS'.

8.4.10 In the first instance, I am satisfied that the proposed Bio-Retention basin which includes trees and other planting would contribute to the design and quality of open space and is broadly acceptable having regard to Objective IN O26.

8.4.11 I have measured the Bio-Retention area as shown on Drawing No. 600 'Surface Water Drainage' which was submitted with the first party appeal which shows that the main part of the Bio-Retention would have an area of 84m^2. Given that the area of overall public open space is c.598m^2 the Bio-Retention area would be 14% of the public open space (this measurement excludes Manhole 6, Manhole 7 and 225 pipes connecting into the Manhole 5 and Manhole 8).

8.4.12 On a prima facie look it would appear that the Bio-Retention area would not comply with Objective IN O26 as it occupies an area greater than 10% of the public open space area. However, I note that Objective IN O26 states that *'The Sustainable Urban Drainage Systems Guidance Document' prepared as an action of this plan shall supersede this standard.*

8.4.13 In this regard I note that the *Sustainable Urban Drainage Systems Guidance Document'* outlines that the SuDS strategy should complement the Open Spaces Strategy and form part of balanced open space provision providing opportunities for both active and passive recreation.

8.4.14 A number of criteria to determine the areal extent of SuDS features which contribute Public Open Space: I have considered the plans submitted with the first party appeal (including Drawing No. 650 P1 'Bioretention Basin Details') and the criteria set out in the *Sustainable Urban Drainage Systems Guidance Document;* and I am satisfied that the proposed Bio-Retention within the public open space is acceptable in this instance. I have come to this conclusion for the following reasons:

- The bioretention area features are engineered with shallow, gentle side slopes 50mm grassed bank and a flat vegetated base. It does not incorporate steep headwalls, high embankments, or deep standing water.
- The maximum temporary water depth would be 50mm.

- During dry conditions and minor rainfall events, the bioretention area would be dry and accessible as part of the overall public open space.
- The plans show that no fencing is proposed allowing for a seamless integration into the overall public open space.
- The Bio-Retention area contributes in a significant and positive way to the design of the open space. In this regard, I note that the proposed open space connects to the Royal Canal Towpath amenity. I am satisfied that the proposed area of open space, which includes a playground and is in proximity to an existing public open space amenity (Royal Canal Towpath) would enhance the open space provision for Kilcock.

8.4.15 Having considered the above, I am satisfied that the Bio-Retention would comply with the Sustainable Urban Drainage Systems Guidance Document and that the proposal would not contravene Objective IN O26 of the *Kildare County Development Plan 2023-2029.* Therefore, in my opinion, Reason No.3 for refusal is not warranted in this case.

8.5 Flood Risk

8.5.1 The Engineering Planning Report presented in Appendix E of the first party appeal includes a Flood Risk Assessment prepared by Fitzsimons Consulting Engineering which concludes that the appeal site is classified as being located within Flood Zone C and that in accordance with The Planning System and Flood Risk management Guidelines 2009, the development is at a low risk of flooding therefore deemed appropriate within the proposed site location.

8.5.2 I make the Coimisiún aware I have consulted the flood mapping system (www.floodinfo.ie) and I note that the subject land is within Flood Zone 'C.'

8.5.3 Having considered all the foregoing, I consider the proposed development would not increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

9 AA Screening

9.1 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site, there

is a requirement on the Coimisiún, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision.

Screening summary

9.2 Figure 4.1 of the NIS identifies 6 Natura 2000 designated sites within 15km of the application site. Having consulted the EPA mapping I am satisfied that all applicable Natura 2000 sites have been identified and assessed.

9.3 The proposed development is identified as being within the Zone of Influence of the Rye Water Valley / Carton SAC (Site Code: 001398), Ballynafagh Lake SAC (001387) and Ballynafagh Bog SAC (000391). The Table below provides a summary of each of the sites:

European Site	**Distance**	**Qualifying Interests**	**Screened in / Out**
Rye Water Valley / Carton SAC (Site Code: 001398)	6.8km to the east of the site	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	**Screened in-** Hydrological connection via the Royal Canal. This connection is subject to a high dilution factor c.9.8km downstream.
Ballynafagh Lake SAC (001387)	12.9km to the southwest of the site	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]	**Screened Out** – No potential pathway.

Ballynafagh Bog SAC (000391)	13.3km to the southwest of the site	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	**Screened Out** – No potential pathway.

9.4 Site specific conservation objective has been prepared for Rye Water Valley / Carton SAC (Site Code: 001398) which is summarised as to restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)* in Rye Water Valley/Carton SAC, To restore the favourable conservation condition of Narrow-mouthed Whorl Snail (Vertigo angustior) in Rye Water Valley/Carton SAC and to maintain the favourable conservation condition of Desmoulin's Whorl Snail (Vertigo moulinsiana) in Rye Water Valley/Carton SAC.

9.5 Site specific conservation objectives has been prepared for Ballynafagh Lake SAC (001387) which can be summarised as to restore the favourable conservation condition of Alkaline fens in Ballynafagh Lake SAC, to maintain the favourable conservation condition of Desmoulin's Whorl Snail (Vertigo moulinsiana) in Ballynafagh Lake SAC and to maintain the favourable conservation condition of Marsh Fritillary (Euphydryas aurinia) in Ballynafagh Lake SAC.

9.6 Site specific conservation objectives have been prepared for Ballynafagh Bog SAC (000391) which can be summarised as to restore the favourable conservation condition of Active raised bogs in Ballynafagh Bog SAC. It is noted that the long-term aim for Degraded raised bogs still capable of natural regeneration is that its peat-forming capability is re-established; therefore, the conservation objective for this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Ballynafagh Bog SAC and that depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for the habitat in Ballynafagh Bog SAC.

9.7 I am satisfied that no other Natura sites are likely to be affected by the proposed development. I am satisfied that the listed habitats and species are those likely to be affected by the proposed development.

9.8 Section 7.4 of the NIS identifies the following areas in relation to potential impacts from the proposed development on the Natura 2000 sites identified:

Construction phase

- Suspended solids drained to the Royal Canal could lead to siltation and physical effect on flora and fauna.
- Excavated soil could be mobilised in the surface water run off during an extreme rainfall event.
- The excavation of trenches could lead to silt laden surface water run-off.
- Inadequate storage of fuels and oils could lead to contamination of surface water.
- A slight potential risk of contamination of watercourses by petrochemicals during works from spillage during refuelling or from lubricating oils and leaks from machinery.
- Refuelling activities could result in fuel spillage.

Emissions to water

- The upgrade of existing tracks, hardstanding areas, the proposed project infrastructure, and all other new hard stand surfaces have the potential to contribute to the increase in runoff.

Release of suspended solids

- Standing water in excavations could contain an increased concentration of suspended solids as a result of disturbance of the underlying soils.
- Haul road passing close to the Royal canal could allow the migration of silt laden runoff into watercourses.
- A blockage in the drains could allow a breakout of silt laden runoff to reach the Royal Canal.

- Overland flow entering excavations could increase the quantity of surface water to be treated for sediment removal.
- Inappropriate management of the excavated material could lead to loss of suspended solids to surface waters.

Release of hydrocarbons

- Refuelling activities could result in fuel spillages which could pollute underground and surface water.
- Potential for fuel spill / leaks from plant machinery on site to infiltrate underground and pollute underground water.
- Potential fuel spills / leaks could be drained to nearby watercourses causing pollution.

Spread of invasive Alien Plant Species

- There is a potential for spread of moderate and high invasive plant species within the footprint of the proposed development, primarily along the Royal Canal and road within the proposed project working area.

Operation and Maintenance

- Inappropriate site management of chemicals and onsite drainage network could lead to silt laden run-off and / or suspended solids to surface waters of the surrounding watercourse networks.

Disturbance / Displacement

- Potential displacement of birds during construction phase.
- Reduction in prey due to impacts from emissions to water.
- Potential displacement of Otters etc. due to feeding habitat.
- Terrestrial contact.
- Noise associated with the proposed development.
- Potential to contribute to water quality impacts.

9.9 Mitigation measures

Construction phase

- A surface water monitoring programme including regular testing of surface water discharges.
- A programme for monitoring water quality at the outfall will be implemented as part of construction.
- The developer will ensure no direct discharge of surface water occurs to the Royal Canal.
- All liquids, solids and powders will be stored in clearly labelled, sealable containers to prevent accidental spillages.
- Spill kits will be provided in areas where liquids are stored.
- All liquid and hazardous materials will be stored in a designated, temporarily bunded areas with appropriate signage in order to prevent accidental spillage. The temporary bunded areas will be located within the designated hardstanding storage area on-site and placed furthest away from the Royal Canal.
- The delivery point for concrete will be within the temporarily bunded area.
- Compressors and generators will be fitted with drip trays to collect fuel and oil spills.
- Regular maintenance of construction plant and equipment to prevent leaks.
- Any significant storage of hydrocarbons is not envisaged as construction vehicles will be refuelled off site.
- Construction plant and equipment shall be parked overnight within the site compound.
- Kildare County Council will be informed immediately of any spillages or pollution incidents.
- All small plant will be positioned within drip trays capable of holding 110% of their tank contents. All plant will be positioned as far from the Royal Canal as possible.
- Waste oils, empty oil containers, and other hazardous wastes will be disposed of in accordance with the requirements of the Waste Management Act 1996.

- The washing out of concrete trucks will not be allowed.
- A suitable road sweeper and mobile bowser will be maintained on-site throughout the construction period.
- All mobile equipment will be thoroughly power-washed and cleaned before arrival to prevent the spread of invasive alien species.
- The ground works will be carried out to ensure that material removed from the ground is taken away at regular intervals. Excavated subsoils which are expected to be suitable for reused as fill will be subject to relevant on-site testing.
- Material generated during construction will only be temporarily stored within the construction compound before disposal. Materials will be transported to a licensed recycling facility on the same day they are collected.

Silt Fencing

- Silt fencing will be placed along the hedgerow on the side of the proposed development. In addition, when the access ramp is being constructed, further lateral silt fencing will be placed on either side of the entrance to limit transport of erodible soils outside of the site.
- A silt fence is made of woven synthetic materials, geotextile and acts to filter run-off.
- The silt fence and building up of the bank will be installed prior to any works taking place. The installation and monitoring will be inspected by an appointed Ecological Clerk of Works.

Protection of Fauna

- Should the removal of scrub, hedgerow, tree felling, or delimbing be required this should be undertaken outside of bird breeding season. A pre works check by a qualified ECoW should be undertaken to ensure nesting bird are absent.
- No removed material or run-off will be allowed to enter the Royal Canal.
- For any material entering the site, the supplier must provide assurance that it is free of invasive species.

- All site personnel will be made aware of invasive species management, biosecurity protocols, and treatment methods.
- Adequate site signage, hording, and fencing will be erected as needed to support the management of biodiversity features, including non-native invasive species, protected habitats, and wildlife corridors.
- All plant and equipment used during works will be in good working order, fit for purpose, regularly serviced / maintained and have no evidence of leaks or drips.
- All birds, their eggs, nests, and young, with the exception of certain species are protected under the Wildlife Acts. Areas of the site found containing nests will be cordoned off to a distance of c.20m from any nests. All plant and construction activities will remain outside this cordon until the young have fledged. The 20-metre radius will be centred on the nest site.

Biosecurity

- Prior to arrival contractors' vehicles and equipment will be thoroughly cleaned and then dried using high-pressure steam cleaning equipment, in addition to the removal of all vegetative materials.
- Evidence of cleaning will be required and kept on file for review by the statutory authorities.
- Visual inspections will be carried out on all machinery and equipment for evidence of attached plant or animal material or adherent mud or debris. Any materials will be removed before entering or leaving the proposed development, stored away from traffic for removal to an appropriate waste storage area at the end of the workday.
- No removed material or run off will be allowed to enter a waterbody of any sort.
- Following cleaning all equipment and vehicles will be visually inspected to ensure any material has been removed.
- Each vehicle must carry a 'disinfection box.'
- Records of supplies and the cleaning of delivery vehicles will be maintained.
- Disinfectants must be used strictly in accordance with the manufacturer's instructions.

- For any material entering the proposed development site, the supplier must provide an assurance that it is free of invasive species.
- Ensure that all site users are aware of the invasive species management plan, biosecurity, and treatment methodologies.
- Adequate site signage and fencing will be erected in relation to the management of non-native invasive species should they be found on site.

Operational Phase

- Best practice SuDS measures will be implemented as part of the developments operational phase.
- Each unit will be served by a separate private foul drain with individual inspection chambers to Irish Water details and will subsequently discharge directly to the foul sewer.
- Each unit will be served by a surface water drainage system for disposal of roof-water and roof-water run-off. Surface water for each unit will discharge to a rain garden located in their back gardens. This will then discharge to a main surface water network.
- The main surface water network will utilise permeable paving and attenuation chambers prior to discharging to the public water system on Church Street.
- A porous stone base under the permeable paving will allow first-flush run-off from rainfall events to infiltrate to ground to the maximum extent that sub-soil permeabilities will allow. Surface water run-ff will be collected and stored.

Disturbance and displacement

- Ecological corridors will be maintained and enhanced along the southern boundary of the site, ensuring continued connectivity and refugia. This will also create an additional buffer between the proposed development and the Royal Canal.
- Wildflower meadows will be created, and mowing will be in accordance with the All-Ireland Pollinator Plan.

Cumulative Impact

9.10 Section 9 of the NIS considers cumulative impacts. Table 9.1 outlines 5 planning applications in the vicinity of the site which were made in the last 5 years. The majority of the applications related to alteration and demolitions of existing buildings. However, it is noted that an application for 345 residential units and creche was granted planning permission.

9.11 The NIS concludes that there is no risk of in-combination effects or are any such effects likely. With regard to the development with the 345 residential units it is noted that the AA Screening Report for that site did not consider there to be a potential for any adverse effects on the qualifying criteria of the Rye Water Valley / Carton SAC or Dublin Bay SAC having regard to the distance of the site, the lack of hydrological connectivity and the proposed connection to the public sewer networks for the treatment of wastewater and surface water.

Appropriate Assessment Conclusion

9.12 The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).

9.13 Following an Appropriate Assessment and Natura Impact Statement, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Rye Water Valley / Carton SAC (Site Code:001398) or any other European site, in view of the sites' Conservation Objectives.

9.14 This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. Regard has been had in particular to the detailed mitigation measures outlined in the NIS submitted with the application.

10 Water Framework Directive

10.1 The purpose of the EU Water Framework Directive is an initiative aimed at improving water quality throughout the European Union. The Directive was adopted in 2000 and requires governments to take a new approach to managing all their waters; rivers,

canals, lakes, reservoirs, groundwater, protected areas (including wetlands and other water dependent ecosystems), estuaries (transitional) and coastal waters.

10.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.

10.3 The Royal Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_RCMLE) is adjacent to the south of the site. This waterbody classification is currently under review. This is illustrated on the EPA mapping (https://gis.epa.ie/EPAMaps/).

10.4 With respect to ground water the EPA Water Maps (https://gis.epa.ie/EPAMaps/Water) identify that the groundwater in this area is currently under review. It is noted that the proposed development would be connected to public water and sewerage service which will ensure that no untreated wastewater would enter the groundwater.

10.5 I have assessed the proposal, and I have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and 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.

10.6 The reason for this conclusion is as follows:

- The scale of the proposed development.
- The appeal site is connected to public wastewater.
- The surface water discharges through SuDS technology including a Bio-Retention basin and permeable paving.
- Conditions will require appropriate construction phase mitigation measures in a Construction Management Plan to ensure no pollutants enter the Royal Canal to the south of the site.

11 Other matters

Drainage Pipe

11.1 The 3rd party observer has highlighted concerns that an existing drainage pipe is located to mid-section of the proposed developments western boundary. The concerns relate to the potential for the construction of the proposed development could disturb this pipe wand lead to potential flooding of the property to the west of the site.

11.2 I note these concerns; however, I am of the opinion that this matter could be dealt with by way of a condition which requires an updated storm water plans which show how the existing drainage pipe serving the property to the west will be protected, particularly during the construction phase.

Construction phase

11.3 The third-party observer highlights concerns relating to the impact that the construction phase would have on the amenity of their property by way of noise, dust and vibration. The third-party states that there is insufficient detail outlined in the EIA Screening Report.

11.4 I note these concerns, however, I am of the opinion that this matter could be dealt with by way of a condition which requires a Construction Management Plan which outlines specific measures to ensure the protection of the amenity of abutting properties during the construction phase, including the dwelling to the west of the site.

Archaeology

11.5 I note that there are no RMPS or SMRS within the appeal site. Notwithstanding this, the response from the Department of Housing, Local Government and Heritage requested that further information be requested in relation to an Archaeological Assessment of the site.

11.6 In my opinion, this matter could be dealt with by way of condition requiring that all ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.

11.7 In addition to this, the condition could require that prior to construction any identified archaeological features and deposits should be conserved by record (full excavation) prior to any ground works under the terms of an agreed Method Statement agreed by the Department.

12 Recommendation

12.1 I recommend that planning permission be granted.

13 Reasons and Considerations

13.1 Having regard to the provisions of the residential zoning objective of the appeal site, its location in proximity to Kilcock Town Centre and to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of property in the vicinity and would be acceptable in terms of traffic safety, surface water design, flooding and would not impact on any Natura 2000 site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 22nd May 2025, as amended by the further plans and particulars received by An Coimisiún Pleanála as part of the First Party appeal received on 11th August 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.	No development shall commence on the site until such time as the following have been agreed and complied with:

	a) The removal of any hedge / vegetation and the location and maintenance of the access point to the Royal Canal Towpath shall be subject to written agreement with Waterways Ireland. b) A Bat Survey to be undertaken by a suitably qualified professional shall be subject to written agreement with the planning authority. c) An Arboricultural Assessment to be undertaken by a suitably qualified professional shall be subject to written agreement with the planning authority. c) Render finishes shall be replaced with a high-quality durable material such as brick, similar to the ground floor finishes, subject to the written agreement with the planning authority. d) An area of dedicated private open space for the first storey Maisonette units is agreed with the planning authority. e) A storm water drainage plan and storm water management plan including ensuring that there is no discharge to the Royal Canal at either construction or operation phases shall be agreed to in writing with the planning authority. f) Updated storm water plans which show that the existing drainage pipe serving the property to the west will be protected during the construction phase. f) Arboricultural Assessment including an assessment of all existing trees and vegetation on site to be submitted to and agreed in writing with the Planning Authority before development commences. g) The provision of bicycle parking infrastructure in line with SPPR 4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. h) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services. i) Provision for the charging of electrical vehicles for each of the dwellings to the satisfaction of the planning authority.

	j) Requirements of Kildare County Council's Strategic Projects and Public Realm Section, Water Services Section, Roads / Transport Section, Environment Section: Chief Fire Officer: Building and Development Control Section, Ecology Section, Parks Section and Housing Section. Full details shall be agreed with the Planning Authority prior to commencement of development, and all works shall be completed by the applicant, to the satisfaction of the Planning Authority prior to the occupation of the proposed development. **Reason:** In the interests of roads and traffic safety, protection of the natural environment, public health and the proper planning and sustainable development of the area.
	All mitigation measures contained in the Natura Impact Statement received by An Coimisiún Pleanála on 11th August 2025 shall be implemented in full. **Reason**: To define the terms of the permission, to preserve the amenities of the area and to preserve the integrity of the Rye Water Valley / Carton SAC (Site Code: 001398) and associated catchments.
3.	All mitigation measures contained in the Ecological Impact Assessment received by An Coimisiún Pleanála on 11th August 2025 shall be implemented in full. **Reason**: To safeguard biodiversity and to ensure that the development accords with relevant planning and environmental protection policies.
4.	Prior to commencement of development and/ or occupation of the residential units, as applicable, a final Road Safety Audit(s) and/ or Quality Audit(s) of the development, including the main entrance, internal road, and path layouts (including along Church Street), shall be submitted to, and agreed in writing with the planning authority. **Reason:** In the interest of sustainable transportation, and traffic and pedestrian safety.

5.	The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 5 [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.
6.	The area shown as public open space on the lodged plans shall be reserved for such use. The public open space shall be completed and fully landscaped before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer. **Reason**: In the interest of the amenities of the occupants of the proposed housing
7.	Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 and to ensure the use of locally appropriate place names for new residential areas.

8.	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 relevant 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.
9.	The developer shall enter into water and wastewater connection agreements with Uisce Eireann, prior to commencement of development. **Reason:** In the interest of public health

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. **Reason:** In the interests of visual and residential amenity
11.	Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. **Reason:** In order to safeguard the residential amenities of property in the vicinity
12.	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: (i) Specific measures to ensure the protection of the amenity of abutting properties during the construction phase, including the dwelling to the west of the site. (ii) Measures to ensure that no pollutants including dust and hydrocarbons enter the Royal Canal. (iii) collection and disposal of construction waste, (iv) surface water run-off from the site, (v) on-site road construction, and (vi) environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures.

	A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. **Reason**: In the interest of environmental protection, residential amenities, public health & safety, and environmental protection.
13.	Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects,' published by the Environmental Protection Agency in 2021. **Reason:** In the interest of sustainable waste management.
14.	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of the following: a) arrangements for routes for construction traffic, b) parking during the construction phase, c) the location of the compound for storage of plant and d) machinery and the location for storage of deliveries to the site. **Reason**: In the interest of sustainable transport and safety
15.	a) All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist. Prior to construction all previously identified archaeological features and deposits should be conserved by record (full excavation) prior to any ground works under the terms of an agreed Method Statement agreed by the Department.

	All topsoil stripping associated with the archaeological monitoring should be carried out using a toothless flat grading bucket only. b) Should further archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g., preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found. **Reason:** To ensure the continued preservation (either in situ or by record) of places, caves, sites, features, or other objects of archaeological interest
16.	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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme. **Reason**: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
17.	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 of roads,

	footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. **Reason:** To ensure the satisfactory completion of the development.
18.	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 Coimisiún 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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way."

Ronan Murphy
Planning Inspector

1 October 2026

Appendix 1 - Form 1

EIA pre-screening

An Coimisiún Pleanála Case Reference	**ACP-323351-25**
Proposed Development Summary	15 houses and 4 maisonette apartments, with ancillary and associated site development works.
Development Address	Church Street, Kilcock, Co. Kildare

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	**X**
	No	

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units	Proceed to Q3.
No			Tick if relevant. No further action required

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	**X**		

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	**X**	Class 10(b) of Part 2, Schedule 5 (i) Construction of more than 500 dwelling units (iv)10 ha in a built-up area. The site has an area of c. 0.56ha and the proposed development comprises of 19 residential units.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		**Screening determination remains as above (Q1 to Q4)**

Yes	**X**	**Screening Determination required**

Inspector: _____ **Date:** _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	**ACP-323351-26**
Proposed Development Summary	15 houses and 4 maisonette apartments, with ancillary and associated site development works.
Development Address	Church Street, Kilcock, 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 proposal comes forward as a stand-alone project. The development does not require any demolition works. The development does not require the use of substantial natural resources or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.
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).	he appeal site is not located within or adjoining any designated site. The nearest European Sites in close proximity to the appeal site are as follows: • Rye Water Valley/Carton SAC (Site Code 001398) which is c.6.7km east of the site. • Ballynafagh Lake SAC (site Code 001387) which is located c. 12.9km to the southwest of the site. • Ballynafagh Bog SAC (Site Code: 000391) which is located c. 13.3km to the southwest of the site. The nearest Natural Heritage Areas in close proximity to the appeal site are as follows: • Royal Canal pNHA (site code: 002103) which is directly to the south of the appeal site.

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).	Likely effects would be generally limited to the construction phase through increased noise and dust from construction traffic and operations but will be substantially below the threshold of significance through established construction management practices. The Natura Impact Statement submitted with the first party appeal includes a number of mitigation measures to ensure that the proposal would not impact on the Conservation Objectives of the Rye Water Valley / Carton SAC (Site Code: 001398). Notwithstanding the above, the scale of the proposal, would ensure that the proposal would not adversely impact on environmental parameters or on the ecological sensitivities of the aforementioned European sites, and as such would not reach the threshold of significant for the project as a whole. See AA Screening below.
Conclusion	
There is no real likelihood of significant effects on the environment.	

Inspector: _____ **Date**: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3 Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: ACP-323351-25	
Step 1: Description of the project and local site characteristics The appeal site is within the urban area of Kilcock Co. Kildare within a predominantly residential area in proximity to the town centre. The Royal Canal and the Royal Canal Towpath are located directly to the south of the site.	
Brief description of project	15 houses and 4 maisonette apartments, with ancillary and associated site development works.
Brief description of development site characteristics and potential impact mechanisms	The appeal site is not located within or adjoining any designated site. The nearest European Sites in close proximity to the appeal site are as follows: • Rye Water Valley/Carton SAC (Site Code 001398) which is c.6.7km east of the site. • Ballynafagh Lake SAC (site Code 001387) which is located c. 12.9km to the southwest of the site. • Ballynafagh Bog SAC (Site Code: 000391) which is located c. 13.3km to the southwest of the site. The nearest Natural Heritage Areas in close proximity to the appeal site are as follows: • Royal Canal pNHA (site code: 002103) which is directly to the south of the appeal site.
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	No third-party submissions raised specific concerns in terms of impacts on the European Sites.

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	**Qualifying interests[1] Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections[2]**	**Consider further in screening[3] Y/N**
Rye Water Valley / Carton SAC (Site Code: 001398)	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	c. 6.8km to the east of the site	Y-Hydrological connection via the Royal Canal. This connection is subject to a high dilution factor c.9.8km downstream	**Y**
Ballynafagh Lake SAC (001387)	Alkaline fens [7230] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]	c.12.9km to the southwest of the site	No direct connection	**N**
Ballynafagh Bog SAC (000391)	Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	c.13.3km to the southwest of the site	No direct connection	**N**

[1] Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

[2] Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

[3] if no connections: N

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	**Effects**
Rye Water Valley / Carton SAC (Site Code: 001398) Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]	**Direct:** Nil **Indirect** Yes, via the Royal Canal	Given the proximity of the SAC to the appeal site and in the absence of evidence to demonstrate otherwise (including demonstration that the storm / surface water could be appropriately collected, managed or treated and disposed of to an appropriate discharge point, it is not currently possible to conclude that the proposed development would be unlikely to result in ex-situ habitat impacts and general disturbance of a magnitude that could affect the SCI species for which the SPA is designated. Conservation Objectives could be undermined.
	Likelihood of significant effects from proposed development (alone): **Uncertain**	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? **N/A**	
	Impacts	**Effects**
Ballynafagh Lake SAC (001387) Alkaline fens [7230]	**Direct:** Nil **Indirect** **Nil**	The site is not hydrologically linked to the Ballynafagh Lake SAC and therefore there will be no impact

Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016] Euphydryas aurinia (Marsh Fritillary) [1065]		
Ballynafagh Bog SAC (000391) Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]	**Impacts:** **Direct:** Nil **Indirect** **Nil**	**Effects:** The site is not hydrologically linked to the Ballynafagh Bog SAC and therefore there will be no impact
	Likelihood of significant effects from proposed development (alone) None	
	If no, is there likelihood of significant effects occurring in combination with other plans or projects? **N/A**	
Step 4: Conclude if the proposed development could result in likely significant effects on a European site		
Screening Determination **Finding of likely significant effects**		

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).

Following an Appropriate Assessment and Natura Impact Assessment, it has been determined that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No.001398 or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. Regard has been had in particular to the detailed mitigation measures outlined in the NIS submitted with the application.

Appendix 4: Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	**ACP-323351-25**	**Townland, address**	Church Street, Kilcock, Co. Kildare
Description of project		The development comprises of the construction of 15 houses and 4 maisonette apartments, with ancillary and associated site development works	
Brief site description, relevant to WFD Screening		The appeal site is within the urban area of Kilcock Co. Kildare within a predominantly residential area in proximity to the town centre. The Royal Canal and the Royal Canal Towpath are located directly to the south of the site. The appeal site which has a stated area of c.0.56ha and is currently vacant and is heavily vegetated.	
Proposed surface water details		To public storm drain	
Proposed water supply source & available capacity		Public water supply	
Proposed wastewater treatment system & available capacity, other issues		To public sewer.	
Others?		The site is not within a Flood Zone.	
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	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	Adjacent	Royal Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_RCMLE)	Under review	Under review	None identified	Surface water run-off.
Groundwater Waterbody	Below ground	Dublin E_EA_G_008	Good	Under Review	Under review	Groundwater

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**	Royal Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_RCMLE)	Surface water discharged to public drains	Sedimentation, Siltation due to construction, Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP & SUDS would reduce run-off volumes and improve run-off water quality	No. I am satisfied that surface water, in principle, could be adequately managed on site and that there will be no significant pollution risks to any surface waterbody.	**Screened In**.

2.	**Ground**	Dublin E_EA_G_008	Earthworks	Hydrocarbon spills form construction machinery	Standard construction practice would reduce any possibility of hydrocarbon spills and percolation to groundwater	No. I am satisfied that ground water in principle, could be adequately managed on site and that there will be no significant pollution risks to any ground water body.	**Screened In**.
Operational Phase							
1.	**Surface**	Royal Canal Main Line (Liffey and Dublin Bay) (IE_09_AWB_ RCMLE)	Surface water discharged to public drains	The development would be connected to public services plus SuDS would ensure the proposal would not have any negative impacts on any surface waterbodies	None proposed but standard construction practices anticipated.	No risk subject to compliance with conditions.	**Screened In**
2	Ground	Dublin E_EA_G_008	Development would be connected to the public sewer	The development would be connected to public services plus SuDS would ensure the proposal	None proposed and concerns relate to the potential interaction between the sewerage	No risk subject to compliance with conditions.	**Screened In**

				would not have any negative impacts on any ground waterbodies	treatment and the ground given the lack of information provided in the application and appeal documents		

STAGE 2: ASSESSMENT				
Details of Mitigation Required to Comply with WFD Objectives				
Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	**Objective 1: Groundwater** **Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**Objective 2: Groundwater** **Protect, enhance, and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status***	**Objective 3: Groundwater** **Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**

	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	
Development Activity	Surface water management to prevent pollution and control runoff quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration of pollutants to groundwater.	Surface water management to prevent pollution and control runoff quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration of pollutants to groundwater.	N/A	**Yes**
Details of Mitigation Required to Comply with WFD Objectives				
Surface water				
Development/Activity	**<u>Objective 1: Groundwater</u>** **Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**<u>Objective 2: Groundwater</u>** **Protect, enhance, and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status***	**<u>Objective 3: Groundwater</u>** **Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**

	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Yes**
Development Activity	Surface water management to prevent pollution and control runoff quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration to stormwater infrastructure in order to prevent pollution.	Surface water management to prevent pollution and control runoff quantity; specific wastewater management measures to demonstrate site suitability and negate the risk of migration of pollutants to groundwater	N/A	**Yes**