

<b>Development</b>	Amendment to previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments.
<b>Location</b>	Site to North of Louisa Park, Station Road, Leixlip
<b>Planning Authority</b>	Kildare County Council
<b>Planning Authority Reg. Ref.</b>	2561030
<b>Applicant(s)</b>	Avoca Homes Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party Normal Planning Appeal
<b>Appellant(s)</b>	Avoca Homes Ltd.
<b>Observer(s)</b>	Patrick McDevitt
<b>Date of Site Inspection</b>	10/4/26
<b>Inspector</b>	Ronan Murphy

## 1.0 Site Location and Description

- 1.1. This appeal relates to a site of 0.362 hectares located immediately north of Louisa Park on Station Road circa 1.3km to the northwest of Leixlip Town Centre in Co Kildare.
- 1.2. The appeal site is largely overgrown with grass, mixed trees, and scrub vegetation. The topography of the site is notable, and the site occurs within a dip in the landscape with a level difference of 7.5m between the highest and lowest point of the site. Steeply sloping areas characterise the east, south and west boundaries with a roughly level area at the centre of the site where the ground level here sits approximately 3.5m below the ground level of the adjoining residential developments in Louisa Park and Rockingham Avenue.
- 1.3. The Rye River flows within 160m to the north. The Royal Canal pNHA and Dublin – Mullingar train line run adjacent to the western boundary of the site. The designated Rye Water Valley / Carton SAC is immediately adjacent to the north and west of the site. The western boundary of the appeal site is defined by a steep embankment and fence up to the railway line. The eastern boundary is defined by a line of planting separating the site from Rockingham Avenue a mature estate of two storey detached dwellings. The southern boundary is defined by temporary fencing. Further to the south of the site is Louisa Manor which comprises of an L shaped 4 storey apartment block over a basement level car park.

## 2.0 Proposed Development

- 2.1. The proposed development seeks to amend a previously approved development (Reg. Ref. 20/108 (ABP-309929-21) to facilitate the following:
  - Omission of basement level and provision of a new podium level, incorporating landscaped open space, resulting in the creation of lower ground floor level access via a ramp at the same location as the permitted basement ramp.

- Provision of 10 additional apartments (2 one-bed and 8 two-bed units) as a result of the new lower ground floor level and the provision of a part penthouse level to permitted Blocks A and B.
- Consequential increase in the height of permitted Blocks A and B from 5 storeys over basement to 6 storeys, part 7 storey (presenting as 5 part 6 storeys over podium level) and associated elevational amendments.
- Reduction in the total quantum of car parking from 50 spaces permitted to 35 spaces now proposed at lower ground level and the associated increase in bicycle parking from 126 spaces permitted to 151 spaces now proposed at lower ground and podium level; and
- All associated and ancillary landscape, services infrastructure, site and development works associated with the proposed amendments.

2.2 I make the Coimisiún aware that the footprint of Blocks A and B are unchanged from the permitted development Reg. Ref. 20/108 (ABP-309929-21).

2.3 A comparison of the permitted and proposed developments are set out in Table 1 below:

<b>Development Principles</b>	<b>Permitted</b>	<b>Proposed</b>
<b>Site Area</b>	0.362ha	0.362ha
<b>Total Units</b>	49	59
<b>Unit Mix</b>	12 No. One-bed (24.5%) 33 No. Two-bed (67.3%) 4 No. Three-bed (8.2%)	14 No. One-bed (23.7%) 41 No. Two-bed (69.5%) 4 No. Three bed (6.8%)
<b>Density</b>	135 dph	162 dph
<b>Plot ratio</b>	1.23	1.85
<b>Site Coverage</b>	30%	47%
<b>Building Height</b>	15.9m Block A 15.9m Block B	21.8m Block A 21.8m Block B
<b>Public Open Space</b>	1,256m <sup>2</sup>	1,177m <sup>2</sup>

<b>Car parking</b>	50	35
<b>Bicycle Parking</b>	126	151

**Table 1:** Development Parameters

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1 By order dated 31/10/25 the Planning Authority decided to refuse planning permission for the following reasons:

*1. Having regard to the nature, height, scale and design of the proposed development, the established scale of adjoining development to the east, the proposed development would represent a significant and overbearing development and would, if permitted, negatively impact the visual amenities of the area, would be significantly out of character with the scale of the existing development to the east, would negatively impact on the character of the area, and would establish a negative precedent for other such developments in the area. Furthermore, the proposed development would materially contravene the zoning objective of the site- B Exiting Residential/Infill as set out in the Leixlip Local Area Plan 2020-2023 (extended to 2026), which seeks to protect and enhance the amenity of established residential communities and promote sustainable intensification. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. The proposed development which seeks a reduction in the total quantum of car parking from 50 no. spaces to 35 no. spaces and 10 no. additional apartments is deficient in a clear strategy to manage potential parking demand, including adequate provision for visitor parking, loading bays and EV charging facilities, lacks a management plan to address illegal or overflow parking, and would cause an unacceptable reduction in car parking spaces for residential units. The proposed development would also result in the intensification of development without adequate supporting infrastructure for pedestrians and cyclists and would therefore conflict with the provisions set out in the Kildare County Development Plan 2023-2029, the Apartment Guidelines for Planning Authorities 2025, and be contrary to the proper planning and sustainable development of the area.*

3. *The proposed development fails to provide an adequate amount of functional open space and includes areas surfaced with grasscrete within the open space calculation, which is not considered acceptable as functional open space due to its primary use for vehicular access and parking, and which limits its usability for recreation, amenity, or ecological value. As such, the provision of usable open space falls below the required standard, and the proposal would not sufficiently meet the needs of future residents or contribute positively to the character and quality of the development. Having regard to the poor quality public open space it is considered the proposed development would fail to offer an adequate level of residential amenity and resultant standard of living to future occupants contrary to Strategic Objective 9 of the Leixlip Local Area Plan 2020-2023 (extended to 2026) which seeks to ensure that best practice urban design principles are applied to all new development, based on the principle that well planned and integrated development enhances the sustainability, attractiveness and quality of an area. The inadequacy of public open space would result in an unacceptable overdevelopment of the site, would act as an undesirable precedent for further such development, and would be otherwise contrary to the proper planning and sustainable development of the area.*

4. *Having regard to the inadequate design and arrangement of accommodation, it is considered that the proposed development would fail to offer an adequate level of natural light to habitable rooms of the lower ground floor apartments and thus would have a significant negative impact on the residential amenity and standard of living of the future occupants of the proposed development. Furthermore, the private amenity space provided in the form of balconies does not provide the occupants with an adequate level of security and an adequate sense of safety on the lower ground level. The proposed development would, therefore, be contrary to the development management standards, as set out in the Design Standards for New Apartments Guidelines for Planning Authorities 2025, would result in a substandard level of residential amenity for the occupants of the proposed dwelling units, would set an undesirable precedent for similar substandard residential development and would therefore be contrary to the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

3.2.1 There is one planning report on file dated 31/10/25. In their report, the area planners report outlines concerns that the lower ground floor apartments do not have a sufficient

'privacy strip' and would not provide occupants and their visitors with a sense of safety and security. Concerns are also outlined that the "lower ground floor" apartments would not allow sufficient natural daylight into habitable rooms, particularly regarding the north facing block B.

3.2.2 The area planners report also notes that the proposal would lead to a marked decrease in functional public open space due to the use of a reinforced grass system and that the design of the pedestrian access to the "lower ground level" car and bicycle parking which would not offer pedestrians a safe and secure route of access.

3.2.3 In addition to this, the area planners report highlights are serious concerns that the proposed development, with a significant increase in height, would represent a significant departure from the initial scale and height of the previously permitted development. The proposed development would represent an overbearing and discordant development, which would exceed what was originally permitted and would therefore be inappropriate in its relationship with existing and neighbouring residential development to the east.

3.2.4 Notwithstanding this, the area panner notes that the proposed development would not significantly impact adjoining residential amenity in terms of overlooking or overshadowing.

### 3.2.5 Other Technical Reports

- **Area Engineer:** Report dated 16/9/25 outlining no objection, subject to conditions.
- **Building Control:** Report dated 23/9/25 outlining no objection, subject to conditions.
- **Transportation, Mobility and Open Spaces:** Report dated 29/9/25 requesting Further Information
- **EHO:** Report dated 9/10/25 outlining no objection, subject to conditions
- **Environment:** Report dated 10/10/25 requesting Further Information.
- **Water Services:** Report dated 16/10/25 outlining no objection, subject to conditions
- **CFO:** Report dated 20/10/25 requesting Further Information.

- **Housing:** Report dated 20/10/25 outlining no objection, subject to conditions
- **Transportation:** Report dated 29/10/25 recommending that permission be refused due to inadequate car parking provision, substandard pedestrian access arrangements and failure to address road safety and infrastructure standards.
- **Parks:** Report dated 29/10/25 recommending that permission be refused due to lack of functional open space.

### 3.2.6 Prescribed Bodies

**Transport Infrastructure Ireland:** Response dated 18/9/25 outlining no objection.

**Iarnród Éireann:** Response dated 25/9/25 outlining no objection.

**Department of Housing Local Government and Heritage:** Response dated 9/10/25 outlining no objection, subject to conditions.

## 4 Planning History

### *Parent permission*

**Reg. Ref. 20108 (ABP-309929-21):** Application for 50 no. apartments arranged in 2 no. buildings. The proposed buildings each contain five storeys of residential accommodation over a basement level car park. Permission was refused. This decision was the subject to a first party appeal to An Bord Pleanála, where the decision of the Planning Authority was overturned.

### *Previous applications*

**Reg. Ref. 04/369:** Application for the construction of 48 no. apartments, which consists of 36 no. 2 bedroom ground, first and second floor apartments and 12 no. 1 bedroom third floor apartments in 1 no. 4 storey block, over underground/underbuilding carparking. Permission granted, subject to conditions.

**Reg. Ref. 03839 (ABP.PL09.203905):** Application for 176 dwellings in 9 blocks (A to J), comprising of 136 apartments, 28 Duplex Apartments and 12 no. 3 bedroom, 2 storey terraced houses. Permission refused. This decision was the subject of a first

party appeal to An Bord Pleanála where the decision of the Planning Authority was overturned.

## 5 Policy Context

### 5.1 Development Plan

5.1.1 The *Kildare County Development Plan 2023-2029* and the *Leixlip Local Area Plan 2020-2023 (extended to 2026)*. are relevant to the proposed development I make the Coimisiún aware that the extension to the Leixlip Local Area Plan 2020-2023 runs to the 30<sup>th</sup> March 2026 (inclusive).

#### *Kildare County Development Plan 2023-2029*

5.1.2 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.

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

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

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

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

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

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

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

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

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

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

5.1.7 Chapter 15 of the current CDP sets out Development Management Standards. These policies and objectives, where relevant, will be discussed in further detail within the assessment of the appeal in Section 7 of this report.

*Leixlip Local Area Plan 2020-2023 (extended to 2026)*

5.1.8 I make the Coimisiún aware that the *Leixlip Local Area Plan 2020-2023* was extended until 30<sup>th</sup> March 2026. The application was made prior to the expiration of the Local Area Plan and as a result, it will be used for guidance purposes in this case.

5.1.9 The appeal site is within the B: Existing Residential and Infill Zone. The objective of this zone is *'To protect and enhance the amenity of established residential communities and promote sustainable intensification.* The following policies and objective are pertinent:

**Strategic Objective S1:** which seeks to accommodate housing growth in Leixlip in accordance with the Kildare County Development Plan Core Strategy.

**Strategic Objective S4:** which seeks to deliver new residential development within Leixlip to support existing community infrastructure, recreation and amenity facilities and provide new facilities in tandem with opportunities for significant new housing.

**Strategic Objective S5:** which seeks to promote and facilitate a sustainable transport system for Leixlip that prioritises walking, cycling and public transport.

**Strategic Objective S6:** which seeks to phase significant future growth in line with the capacity and delivery of supporting physical infrastructure.

**Strategic Objective S9:** which seeks to ensure that best practice urban design principles are applied to all new development, based on the principle that well planned and integrated development enhances the sustainability, attractiveness and quality of an area.

**Strategic Objective S10:** which seeks to phase new development to ensure that it occurs in an orderly and efficient manner.

**Objective HC1.4:** which seeks to encourage the appropriate redevelopment/regeneration of brownfield and infill sites for residential uses within the LAP area.

**Objective HC2.1** which seeks to ensure that a good mix of housing types and sizes is provided in all new residential areas including each Key Development Area (KDA) and appropriate infill/brownfield locations.

**Objective HC2.2** which requires that residential schemes in close proximity to heavily trafficked roads within/adjoining Leixlip are designed and constructed to minimise noise disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided.

## 5.2 Relevant National or Regional Policy / Ministerial Guidelines

**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.

**Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (January 2024).** These Guidelines set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

**Sustainable Urban Housing: Design Standards for New Apartments, (2025)** These guidelines were originally issued in 2018 and were updated in 2023 and 2025.

**Urban Development and Building Heights (2018).** These guidelines were developed in response to the need for more sustainable urban development practices and aimed to address issues such as housing shortages and urban sprawl.

### **5.3 Other relevant guidance**

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

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”.

#### **Greater Dublin Strategic Drainage Study Volume 2 March 2005**

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.

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

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.

### **5.4 Natural Heritage Designations**

5.4.1 The appeal site abuts the Rye Water Valley/Carton SAC (Site Code: 001398). In addition to this, a portion of the appeal site (west and north) is located within the Rye Valley / Carton pNHA.

5.4.2 There are no other European sites within 15km of the appeal site.

5.4.3 A screening exercise for Appropriate Assessment will be undertaken in Section 8 and Appendix 2 below.

### **5.5 EIA Screening**

5.5.1 See completed Form 2 attached by way of appendix to this report. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the

proposed development. EIA, therefore, is not required. A screening exercise will be undertaken in Appendix 3 below.

## **6 The Appeal**

### **6.1 Grounds of Appeal**

6.1.1 A first party appeal against the decision of Kildare County Council to refuse planning permission has been received by Declan Brassil and Company on behalf of the applicant. The appeal is accompanied by a Parking Management Strategy prepared by DBFL Consulting Engineers and a Landscape Plan prepared by Landmark Design and Consultancy, Landscape Architects. The grounds of appeal can be summarised as follows:

#### *Reason No.1*

- The proposed amendments do not result in a material contravention of the zoning objective and the Coimisiún can grant planning permission on the basis that the nature, scale and design of the development is consistent with the permitted scheme.
- The proposal provides for a modest increase in the density of a previously permitted apartment scheme.
- The site is zoned Objective 'B' 'Existing Residential / infill under the Leixlip Local Area Plan 2020-2023 (extended to 2026). The objective seeks (inter alia) to promote sustainable intensification.
- The issue of material contravention was not raised as a concern or considered in the area planners report.
- Land use zoning objective B provides for sustainable intensification together with the modest nature of the proposed amendments to a permitted development are a material contravention of the established land use zoning.
- The impact of the proposed development to the east (Rockingham Avenue) was the subject of consideration by the Board under ABP-30929-

21. The proposed amendments do not provide for any changes to the position of the footprint of the permitted blocks.

- The proposed amendments provide for a modest increase in height of c.2m at parapet level closest to Rockingham Avenue. The overall increase in height of Block B is c. 5.3m taller than the previously permitted height. The overall increase in height cannot be considered to be a significant departure for the initial scale and height of the previously permitted development that would warrant a material contravention of the land use zoning.
- The proposal would not give rise to any unacceptable impact on the surrounding residential amenity in terms of overlooking or overbearing development.
- The modest increase in height will not give rise to any substantial change in visual amenity of the area and will not have any additional overbearing impact on established dwellings on Rockingham Avenue.
- The proposed amendments are necessary to ensure the viability of the permitted apartment scheme, and therefore the future delivery of new homes.
- The proposed amendments will ensure the efficient use of zoned lands located only 350m from a high-capacity transportation hub.
- The proposed amendments are consistent with national housing policy which demands a rapid response to the housing crisis, delivering new homes at pace and scale in accessible, urban locations.
- Amendments have been designed to ensure that the permitted and proposed additional units fully comply with the Planning Design for Apartments 2025 and will provide a high level of residential amenity for future occupants.
- The Coimisiún can grant planning permission without having to comply with the requirements of Section 37(2) of the Act.

- Notwithstanding this, the proposed amendments do not represent a material contravention. Should the Coimisiún consider it necessary it can invoke its statutory powers to grant a material contravention under Section 37(2)(b).

*Reason No.2*

- The proposed development provides for the omission of basement level and the provision of lower ground floor level car parking resulting in an overall reduction in car parking spaces from 50 to 35. The number of bicycle parking spaces has increased to 126 to 151 spaces. The reduction in car parking and increase in bicycle parking is consistent with national policy to reduce car dependency and increase sustainable travel patterns.
- The revised NPF, Compact Settlement Guidelines and Apartment Guidelines emphasise a need to move away from universal parking standards to a more tailored performance-based approach.
- The site is located within a comfortable walking distance of Leixlip Village and amenities therein. The site is adjacent to a bus stop served by high frequency and within 350m of the commuter train service at Leixlip Louisa Bridge Train Station. In addition, the site is within 500m of the Intel Campus, a major employment location.
- Therefore, the proposed reduction in car parking is consistent with National policy which seeks to significantly reduce car parking on the basis of proximity and accessibility of public transport and major employment locations.
- DBFL have prepared a Parking Management Plan in respect of the proposed development which sets out the management measures that will be deployed to allocate the use and control of parking provided at the proposed development site. Such measures have become standard practice for schemes at accessible locations.
- The proposed bicycle spaces exceed the required number of spaces required by the Kildare County Development Plan and in the Compact Settlement Guidelines.

- All parking areas and access routes will be well lit and maintained by a central management company to ensure a safe and attractive environment for all residents.
- All 121 long stay cycle parking spaces are situated on the lower ground floor, providing safe and secure parking facilities.
- Pedestrian access to these spaces is as per the permitted development, predominantly via the lift and stair core within Blocks A and B. An additional external staircase is proposed from the podium level to the lower ground level, providing direct access to short term and long-term cycle parking at this level.
- Access to the shared vehicular and shared cycle ramp is provided to the south-west of the site. The location, width and shared nature of this access ramp is as per the permitted development.
- Given the low number of movements associated with the proposed parking, reduced from that previously permitted, the proposed amendments would not give rise to any unacceptable traffic hazard.

*Reason No.3*

- The comments with regard to grasscrete are noted, however, the development permitted under ABP-309929-21 provides for the majority of the open space between Blocks A and B to be finished as reinforced grass system in order to facilitate fire tender access to the area. The proposed amendments do not provide for any material changes to the nature or extent of the permitted landscape treatment in the area.
- Updated fire tender tracking was undertaken by DBFL Consulting Engineers to inform a revised landscape design. The review has resulted in a substantial reduction in the overall area of reinforced grass within the landscape scheme. The level of grasscrete has been reduced to 17% of the total useable open space.
- All of the main elements of the permitted landscape scheme have been incorporated into the revised landscape scheme including a well overlooked and conveniently located children's play area, seating areas

throughout the scheme, extensive areas of planting are proposed, and boundaries will be augmented with new tree and hedgerow planting.

- The reinforced grass area is to facilitate fire tenders in the case of an emergency only or very limited maintenance access. This area is not intended for vehicular access and parking as suggested in the reason for refusal. Refuse will be taken from the bin store and placed on the street. The lack of frequent use will ensure that the reinforced grass will provide an attractive, natural green surface that will be integrated seamlessly into the wider landscape design which includes a range of landscape finishes.
- The layout and approach to the open space is fully consistent with the permitted development with minor amendments to accommodate the removal of the basement level. There is no significant reduction in the quantum of quality of functional open space from that previously permitted. The proposed development amendments will not reduce the permitted residential amenities for future residents.
- A total of 1,117m<sup>2</sup> of open space is provided, equating to almost 19m<sup>2</sup> per apartment. This significantly exceeds the requirements of the Apartment Guidelines which require 5m<sup>2</sup> for 1-bed, 6m<sup>2</sup> for 2-bed and 7m<sup>2</sup> for three bed apartments.
- Application of the Apartment Guidelines would result in a total requirement for 289m<sup>2</sup> of communal open space. This area also exceeds the Kildare County Development Plan requirement for 15% of site area, or 543m<sup>2</sup> in the case of the appeal site.
- The proposed development provides ample open space to serve future residents of the development and ensure a high level of residential amenity.

*Reason No. 4*

- The lower ground floor apartments have been designed to meet all relevant standards of the Planning Design Standards for New Apartments 2025.

- All four lower ground floor units are dual aspect and benefit from a generous private amenity space ranging from 8.7m<sup>2</sup> to 11.7m<sup>2</sup>.
- All the apartments exceed minimum apartment standards by a minimum of 13.2%.
- In terms of natural light, the proposed amendments were subject to a comprehensive Daylight and Sunlight Assessment prepared by Digital Dimensions and submitted with the application.
- It has been established that 100% of the living, dining and kitchens and bedrooms achieve target values.
- 100% of rooms achieve minimum illuminance and 89.3% achieving target illuminance.
- Of the lower ground floor units two bedrooms achieved the minimum illuminance levels but failed to meet target illuminance levels with all living, dining, kitchen meeting the target illuminance levels. All other rooms met both minimum and target levels.
- The scheme will design for sunlight, with 80% of the additional units and all but one of the lower ground floor units meeting and exceeding the minimum recommended 1.5 direct sunlight hours.
- The contention of the Planning Authority that the proposed development fails to offer adequate levels of natural light can not be sustained. The proposed development is consistent with the requirements of the Apartment Guidelines in respect to acceptable levels of natural light and will offer a high quality of residential amenity of future residents.
- In terms of balconies at lower ground floor level, the design is consistent with the approach previously permitted and is standard practice in many infill residential apartment schemes.
- All lower ground level apartments facing onto public realm will benefit from a landscaped privacy strips to ensure both privacy and security. Substantial privacy strips will be provided for Block A where publicly

accessible areas directly adjoin the public realm. Access to the rear of Block B will be restricted and used for maintenance only.

- The submitted lighting design demonstrates that all public spaces, including the lower ground level will be adequately lit, safe and attractive for future residents.
- The approach to private amenity space for lower ground floor apartments is consistent with standard practice for apartment development.
- New Apartment Guidelines do allow for the omission of balconies in certain circumstances, the should the Coimisiún share the concerns of the Planning Authority in respect to the amenity value of the lower ground floor balconies, they could be omitted by way of condition.

## **6.2 Planning Authority Response**

6.2.1 Letter dated 8/1/26 stating that the Planning Authority notes the contents of the first party appeal and confirms its decision.

## **6.3 Observations**

6.3.1 An observation has been received from Patrick McDevitt. The observation can be summarised as follows:

- The proposed amendments result in a noticeable increase in both height and density, including the introduction of an additional level. The changes represent a material departure from the scale, massing and form of the originally permitted development and give rise to concerns regarding the overdevelopment of the site when considered in its immediate context.
- The revised proposal fails to demonstrate appropriate urban and landscape design integration with the established built form, of the surrounding area, particularly the adjoining two-storey residential development along Rockingham Avenue.
- Block B is proposed in close proximity to my property on Rockingham Avenue, with an absence of an adequate separation distance, which further intensifies the impact of its scale and height.

- The Scale, massing, and pronounced vertical emphasis of the amended Block B are disproportionate when assessed against the immediate residential context.
- Potential to adversely affect residential amenity and to diminish the overall quality of the residential environment. This approach is inconsistent with the urban design, placemaking, and residential amenity objectives of the Kildare County Development Plan.
- It is questioned whether a formal Landscape and Visual Impact Assessment (LVIA) should have been undertaken and submitted as part of the appeal documentation. It is unclear whether the full extent of the visual, landscape, and townscape impacts of the proposed amendments - particularly in relation to residential amenity, key viewpoints, and the interface with adjoining streets—has been adequately identified, assessed, or evaluated.
- The proposed scheme introduces an immediate transition to six- and part seven-storey apartment blocks in close proximity to this street. This abrupt change in scale and height results in the street and associated vista being terminated without an appropriate architectural or spatial resolution. This approach undermines the continuity of the street network and detracts from the quality of the public realm and
- the established residential environment, and conflicts with the objectives of the Kildare County Development Plan.
- Concern is raised that the verified photomontages submitted do not provide a clear or accurate representation of the proposed development within its real context, with particular reference to Proposed View 4.
- “Verified photomontages,” do not adequately reflect the fact that the trees depicted as providing screening are identified for removal in the accompanying Arboricultural report.
- In the absence of clear caveats, the visual material has the potential to misrepresent the true visual impact of the development and may unduly influence the assessment of the proposal.

#### **6.4 Further Responses**

6.4.1 There are no further responses on file.

## **7 Assessment**

7.1 Having examined the appeal details and all other documentation on file and inspected the site. I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Material Contravention
- Height, scale and design
- Quality of the proposed units
- Car Parking
- Open space
- Flooding
- Water Framework Directive
- Appropriate Assessment Screening

### **7.2 Principle of development**

7.2.1 The appeal site is zoned B: 'Existing Residential / Infill 'Zone in the Leixlip Local Area Plan 2020-2023 (extended to 2026). The objective of this zone *is 'To protect and enhance the amenity of established residential communities and promote sustainable intensification'*

7.2.2 Residential development is permitted within the B Zone and Creche / playschools are open for consideration. The proposed development is therefore considered to be acceptable in principle, having regard to the B zoning of the land. This is subject to a full assessment of the proposal.

### **7.3 Material Contravention**

7.3.1 I draw attention of the Coimisiún to the fact that in Reason No.1 the Planning Authority has stated that for refusal states that the proposed development would materially contravene the zoning objective of the site- B Existing Residential/Infill as set out in the Leixlip Local Area Plan 2020-2023 (extended to 2026), which seeks to protect and

enhance the amenity of established residential communities and promote sustainable intensification.

7.3.2 In considering whether the proposed development would materially contravene the stated objective of the - B Exiting Residential/Infill zone I note that part of the objective is to promote sustainable intensification. The proposal seeks to intensify the number of permitted residential units within a permitted residential development on lands suitably zoned lands for residential development.

7.3.3 I note that part of the zoning objective seeks to protect and enhance the amenity of established residential communities, however, I am of the opinion that the proposal would not unduly impact on the amenity of established residential communities to the south and east of the site. The reasons for this conclusion will be outlined below.

7.3.3 In my view residential development on positively zoned land which would not unduly impact on existing surrounding residential amenity would not materially contravene the zoning of the land. Therefore, I consider that the Planning Authority has erred, and that no material contravention of the development plan arises in this instance.

7.3.4 In any case, the *Leixlip Local Area Plan 2020-2023* was extended until 30<sup>th</sup> March 2026 and has now expired.

#### **7.4 Density / Height / Design**

7.4.1 Reason No.1 for refusal states that the height, scale and design of the proposed development would represent a significant and overbearing form of development and would which would negatively impact the visual amenities of the area, would be significantly out of character with the scale of the existing development to the east, would negatively impact on the character of the area, and would establish a negative precedent for other such developments in the area.

7.4.2 The third-party observer states that the proposed amendments result in a noticeable increase in both height and density, including the introduction of an additional level. The changes represent a material departure from the scale, massing and form of the originally permitted development and give rise to concerns regarding the overdevelopment of the site when considered in its immediate context.

7.4.3 In response to the first party appeal notes that the proposed amendments provide for a modest increase in height of c.2m at parapet level closest to Rockingham Avenue.

The overall increase in height of Block B is c. 5.3m taller than the previously permitted height. The overall increase in height cannot be considered to be a significant departure for the initial scale and height of the previously permitted development.

### *Density*

7.4.4 The amendments to the permitted development would increase the density of the development from 135 dph to 162 dph. Having regard to Table 3.3 of the 'Sustainable Residential Development and Compact Settlements' (2024), I am satisfied that the appeal site can be placed within the Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhoods where a density range of 50 dph to 150 dph shall generally be applied.

7.4.5 While I note that density as a result of the proposed amendment at 162 would be in excess of the density range as set out in Table 3.3 of the 'Sustainable Residential Development and Compact Settlements' (2024), I am satisfied that the density is acceptable. I have come to this conclusion having regard to the permitted development on the appeal site, the location of the appeal site in close proximity to high frequency public transport (Leixlip Lousia Bridge Train Station) and fact that the site is positively zoned for residential development within walking / cycling distance to Leixlip Town Centre.

7.4.6 The proposal involves 47% site coverage and a plot ratio of 1.85 which is acceptable having regard to the location of the appeal site.

### *Height*

7.4.7 Planning permission was granted by An Bord Pleanála (Reg. Ref. 20108 -ABP-309929-21) for a development containing 49 no. apartments arranged in 2 no. buildings which both contained five storeys of residential accommodation. The permitted blocks had a height of c. 15.9m.

7.4.8 The proposed development would increase the height of both Block's to 21.8m, an increase in height of c. 5.9m. In this regard I refer the Coimisiún to Drawing No's. PA-400 and PA-401 'Elevations' which provide detail of the permitted and proposed heights.

7.4.9 While I note that the proposed amendments would mean that the overall development is taller than permitted and constructed apartment developments in the surrounding

area such as the four storey apartments within Lousia Manor development to the south of the site, I note that National, Regional and Local policy supports increased building heights in urban locations in close proximity to good public transport. In this regard, I refer the Coimisiún to SPPR 1 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) Table 14.4 and Objective UD O11 of the *Kildare County Development Plan 2023-2029* which all support increased building heights in appropriate locations in proximity to high frequency public transport.

7.4.10 The appeal site is in close proximity to the Leixlip Lousia Bride Train station which provides high frequency train access to Dublin City Centre and the surrounding area. The site is also within walking distance of bus stops. In addition to this the appeal site is an infill site within an existing residential area within walking distance of Leixlip Town Centre and employment such as Intel. Having regard to the foregoing, I am satisfied that the proposed height is acceptable in principle at the appeal site, subject an assessment of the impact on the residential amenities of surrounding residential development.

#### *Visual Impact*

7.4.11 The application material includes a set of Verified Photomontages prepared by Digital Dimensions. The photomontages show that the proposed development would become more prominent as a result of the additional height in all views. From a residential amenity perspective views No. 1 from the south of the site (Lousia Park) and view No.4 from the east of the site (Rockingham Avenue).

7.4.12 With regard to View 1, I note that the proposed development would be more prominent in views from this perspective. However, the use of a set back floor at 5<sup>th</sup> floor level would mean that the visual impact is reduced to an acceptable level and the proposed development would not be overly dominant in the area.

7.4.13 The proposed development would also be more prominent in views from the east of the site as shown in view 4. Given the set back of Block A from the eastern boundary of the land and the set back of the 5<sup>th</sup> floor, I am satisfied that the increase in height of Block A would not have an undue impact on the existing residential development to the east. Block B would be set back c. 3m of the eastern site boundary and c. 14m from the front elevation of the nearest two storey dwelling 31 Rockingham Avenue. Block B would be more prominent in View 4, however, I am of the opinion that the

height of the proposed development would not be so great that it would be unduly onerous on the residents of Rockingham Avenue and as such is acceptable in this context.

#### *Overshadowing*

7.4.14 The application material includes a Daylight / Sunlight Analysis prepared by Digital Dimensions was included in the application material. This analysis demonstrates that the proposed development would cause a negligible impact in terms of loss of light to adjoining dwellings within Louisa Park and Rockingham Avenue. The report concludes that any reduction in available daylight from the proposed development will be negligible and meets the recommendations of the BRE guidelines BR209:2022 (third edition). In addition to this, the considers Annual Probable Sunlight Hours and concludes that the windows to habitable rooms in the adjacent residential properties, which face within 90° of due south, do not look towards the proposed development. The south facing rooms would not perceive an impact on their sunlight from the proposed development.

7.4.15 With regard to sunlight to adjoining amenity spaces, the report concludes that there will be no reduction in sunlight to any of the neighbouring amenity spaces. This conclusion is substantiated by a shadow cast analysis which shows that the shadows caused by the proposed development do not extend to any private garden or amenity space with a requirement for sunlight on the 21st march.

7.4.16 Having considered the submitted Daylight / Sunlight Analysis, I am satisfied that the proposed development would not cause any undue overshadowing of abutting properties.

#### *Overlooking*

7.4.17 In my opinion the most sensitive receptors in this case are the dwellings on Rockingham Avenue to the east of the appeal site. It is noted that Block B would be set back c.14m from No 32 Rockingham Avenue.

7.4.18 I have regard to SPPR1 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (January 2024) which states that a separation distance between opposing windows is acceptable. Separation distances below 16 metres may be considered acceptable in circumstances where there are no

opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms.

7.4.19 I refer the Coimisiún to Drawing No. PA-203 '*Block B Floor Plans*' which show that the 5<sup>th</sup> floor of Block B would be set back c. 11.3m from the 4<sup>th</sup> floor below and therefore c. 25m from No.32 Rockingham Avenue. In addition to this, I note that there are no windows or balconies within the east facing elevation of the proposed development.

7.4.20 Having considered the set back of the 5<sup>th</sup> floor from the existing residential development to the east and the fact there are no windows or balconies within the eastern façade of the units on the 5<sup>th</sup> floor, I am satisfied that there would be no undue overlooking from the 5<sup>th</sup> floor.

7.4.21 With regard to Block A, I am satisfied there would be no undue overlooking of the existing residential development to the south. I have come to this conclusion having regard to the distance of Block A to the existing Lousia Park apartments of c.30.7m and the topography of the site provides for sufficient separation to mitigate any negative visual or amenity impacts in terms of overlooking.

7.4.22 Given that I am satisfied that the proposal would not lead to any undue overshadowing or overlooking of surrounding residential development, I am of the opinion that the proposal would not constitute overbearing development.

### **Quality of the proposed units**

#### *Unit Mix*

7.5.1 In terms of national policy, Specific Planning Policy Requirement (SPPR) 1 of the 2025 Apartment Guidelines outlines that there shall be no restrictions within statutory plans in relation to the mix of unit sizes or types to be provided within apartment developments. There shall be no minimum or maximum requirements for apartments with a certain number of bedrooms (in developments excluding social housing developments, social/affordable housing provided for under Part V the Act or schemes to provide housing for older persons where a specific mix of unit sizes may be required, such as in accordance with a Housing Need and Demand Assessment)

7.5.2 The proposal seeks to add 10 additional units to a previously permitted apartment scheme. The proposed unit mix comprises of 2 no.1 (20%) bed unit and 8 no. 2 bed duplex units (80%). This is considered to be acceptable.

### *Floor area and room sizes*

- 7.5.3 I refer the Coimisiún to SPPR2 and Appendix 1 of the Apartment Guidelines which outline minimum apartment floor areas and aggregate floor areas for living/dining/kitchen rooms; widths for the main living/dining rooms; bedroom floor areas/widths; and aggregate bedroom floor areas. Further to this, it is stated that 25% of all apartments in a proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant studio, 1, 2 or 3 bedroom unit types, by a minimum of 10%.
- 7.5.5 In assessing the proposed development including the Housing Quality Assessment submitted with the application as set out in Appendix 1 of the Architectural Design Statement, I note that all but one of the proposed apartments exceed the minimum overall floor area requirements as set out in Quality Housing for Sustainable Communities: Design Guidelines 2023 (Unit No.58 would exceed the standard by 6.2%). I am satisfied that the overall floor areas comply with paragraph 3.8 of the Apartment Guidelines.
- 7.5.6 With regard to room areas and widths, I note that some of the width of the Living / Kitchen / Dining rooms (Units 52, 53, 55 and 56) are marginally below the minimum standards. However, the Guidelines allow for a variation of up to 5% in all apartment width, subject to overall compliance with minimum overall apartment area. I am satisfied that all of the proposed apartments are above the minimum requirement and therefore comply with the Apartment Guidelines.

### *Dual Aspect*

- 7.5.7 The Apartment Guidelines state that levels of natural light in apartments is an important planning consideration. More specifically, SPPR 3 of the Guidelines outlines that a minimum of 25% of dual aspect units will be required. Furthermore, on urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 25% minimum outlined above on a case-by case basis, but subject to the achievement of overall high design quality in other aspects.
- 7.5.8 Upon review of the plans 8 of the units are dual aspect. This represents a total of 80% and I am satisfied that the proposed development would comply with SPPR4 of the Guidelines.

### *Private Open Space*

7.5.9 Private open space is provided by way balconies. Appendix 1 of the Apartment Guidelines require a private open space are of 5m<sup>2</sup> for 1 bed apartments and 7m<sup>2</sup> for 2 bed four person units.

7.5.10 All private amenity space achieves the required minimum depth of 1.5m and achieve the required areas. I am satisfied that the proposed private open space for all units is acceptable.

### *Sunlight to Amenity within the Proposed Development*

7.5.11 The proposed development involves the increase in height of the permitted development. The impact of such on sunlight to the permitted open spaces is therefore required. In this regard, the Daylight / Sunlight Analysis demonstrates that all the public and communal amenity spaces will achieve 2 hours sunlight on the 21<sup>st</sup> of March over in excess of 50% of the area. The proposed development would, therefore, meet the recommendations of the BRE guidelines (2022) for gardens and open spaces.

## **7.6 Car Parking**

7.6.1 Reason No.2 for refusal states that the reduction in car parking from 50 spaces to 35 is deficient in a clear strategy to manage potential parking demand, including adequate provision for visitor parking, loading bays and EV charging facilities, lacks a management plan to address illegal or overflow parking, and would cause an unacceptable reduction in car parking spaces for residential units.

7.6.2 The first party appellant states that the appeal site is located within a comfortable walking distance of Leixlip Village and amenities therein. The site is adjacent to a bus stop served by high frequency and within 350m of the commuter train service at Leixlip Louisa Bridge Train Station and that the site is within 500m of the Intel Campus, a major employment location. Therefore, the proposed reduction in car parking is consistent with National policy which seeks to significantly reduce car parking based on proximity and accessibility of public transport and major employment locations.

7.6.3 The report of the Transportation Section of Kildare County Council states that the development fails to meet the minimum car parking standards outlined in the Kildare County Development Plan and Design Standards for New Apartments (2025). The Transportation Section have identified deficiencies in relation to the management of

parking demand, including visitor parking, loading bays and EV charging facilities. In addition to this, concerns are outlined with respect to the potential for overflow parking because of the proposed development. The area planner agrees with this assessment.

7.6.4 I note that table 15.8 of the *Kildare County Development Plan 2023-2029* sets out maximum car parking standards for apartments at a rate of

- 1.5 spaces per apartment and one visitor space per 4 apartments.

7.6.5 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 services should be designed to provide for fewer parking spaces, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking. In addition to this, it is also stated that the maximum provision of parking should not be viewed as a target. Lower rates of parking and car-free developments should be considered in the first instance, particularly where such developments are close to and can avail of public transport.

7.6.6 Additionally I refer the Coimisiún to SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 which state that in accessible locations car- parking provision should be substantially reduced and that the maximum rate of car parking provision for residential development, shall be 1.5 no. spaces per dwelling.

7.6.7 Section 4.6 of the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025 states that having regard to the types of location in cities and towns that may be suitable for apartment development, car parking ratios should be minimised, substantially reduced or wholly eliminated at locations that have good access to urban services and to public transport. It is further stated that for all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired.

7.6.8 The application material includes a Parking Assessment prepared by DBFL Consulting Engineers which includes a car parking assessment. This report considers the CSO data, car ownership levels of adjacent apartment developments, the mode of transport

for commuters, car usage, sustainable transport and local amenities. Section 4.5.4 of this report states that a total number of 25 residents who will drive a private vehicle every day for their commute. This is based on the typical rate of car usage found through the analysis of the CSO data is applied to the maximum number of residents occupying the 2 blocks.

7.6.9 I note that the overall development (permitted and proposed) would provide 59 apartments, and this would require a maximum car parking provision of 88.5 car parking spaces as per SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 (1.5 space per apartment)

7.6.10 I have considered the concerns of the Planning Authority, the policy with the *Kildare County Development Plan 2023-2029*, the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 and the Planning Design Standards for Apartments Guidelines for Planning Authorities, 2025. In my view, the common thread within the policy framework is to substantially reduce or wholly eliminate car parking at locations that which good access to urban services and to public transport.

7.6.11 The appeal site is located within 300m of Leixlip Lousia Bridge railway station (which provides frequent access to Dublin city centre). In addition to this, the appeal site is located within a 3-minute walk of several bus routes providing access to Dublin and a 15-minute walk to Leixlip town centre.

7.6.12 In my view, the site is accessible to public transport and is within walking distance of Leixlip Town Centre, the site is accessible and therefore a reduction in car parking would be supported by local and national policy which seeks to lower rates of car parking within such areas and as such is acceptable in this instance.

#### *Pedestrians and cyclists*

7.6.13 I note that reason No.2 for refusal also outlines concerns with that the proposed development would result in the intensification of development without adequate supporting infrastructure for pedestrians and cyclists.

7.6.14 The area planners report states that the Transportation Section have outlined concerns with respect to substandard pedestrian and cyclist access to the

underground car park which may lead to a perception of insecurity and increase the risk of anti-social behaviour, and the lack of clear segregation between pedestrian and vehicular routes, particularly at the lower ground level where vehicle and cycle access is shared, and pedestrian routes between residential blocks, car parks, bin stores, and bike storage areas.

7.6.15 The first party appeal states that all parking areas and access routes will be well lit and maintained by a central management company to ensure a safe and attractive environment for all residents. In addition to this, it is stated that the pedestrian access to these spaces is as per the permitted development, predominantly via the lift and stair core within Blocks A and B. An additional external staircase is proposed from the podium level to the lower ground level, providing direct access to short term and long-term cycle parking at this level. Access to the shared vehicular and shared cycle ramp is provided to the south-west of the site. The location, width and shared nature of this access ramp is as per the permitted development.

7.6.16 I refer the Coimisiún to Drawing No. PA-110 'Lower Ground Floor Plan / Car Park' which shows that pedestrian and cyclist access to the lower ground floor parking would be provided by way of a footpath (including steps) to the southeast of Block A. The access would be overlooked by windows within the southern façade of Block A. This location of the access is considered to be acceptable and given this the access would be overlooked, I am satisfied that this access would have a reasonable level of passive surveillance.

7.6.17 In addition to this, I note that access would be provided by way of lifts within Blocks A and B as well as an internal staircase, which is considered to be acceptable. Notwithstanding this, it is noted that no pedestrian route is shown with the proposed car park. While this is not optimum, I am of the opinion that this matter could be dealt with by way of condition.

## **7.7 Public Open Space**

7.7.1 Reason No. 3 for refusal states that the proposed development fails to provide an adequate amount of functional open space and includes areas surfaced with grasscrete within the open space calculation, which is not considered acceptable as functional open space due to its primary use for vehicular access and parking, and which limits its usability for recreation, amenity, or ecological value. Therefore the

provision of usable open space falls below the required standard, and the proposal would not sufficiently meet the needs of future residents or contribute positively to the character and quality of the development and would be contrary to Strategic Objective 9 of the Leixlip Local Area Plan 2020-2023 (extended to 2026) which seeks to ensure that best practice urban design principles are applied to all new development, based on the principle that well planned and integrated development enhances the sustainability, attractiveness and quality of an area.

7.7.2 The first party states that the development permitted under ABP-309929-21 provides for the majority of the open space between Blocks A and B to be finished as reinforced grass system in order to facilitate fire tender access to the area. The proposed amendments do not provide for any material changes to the nature or extent of the permitted landscape treatment in the area. In addition to this, it is stated that the level of grasscrete has been reduced to 17% of the total useable open space. The reinforced grass area is to facilitate fire tenders in the case of an emergency only or very limited maintenance access. This area is not intended for vehicular access and parking as suggested in the reason for refusal.

7.7.3 In the first instance, I note that the proposed development includes a total of 1,117m<sup>2</sup> of public open space is provided. The majority of the open space is proposed at podium level and ancillary additional spaces provided at lower ground level. This would equate to c.18.9m<sup>2</sup> per apartment. This would exceed the requirements set out in the Apartment Guidelines which require 5m<sup>2</sup> for 1-bed, 6m<sup>2</sup> for 2-bed and 7m<sup>2</sup> for three bed apartments.

7.7.4 The open space area at podium level includes a children's play area, seating, trees and shrubs around the site boundaries (including *Betula utilis* var. *jacquemonti*, *Pyrus calleryana*, *Amelanchier lamar*, *Crataegus laev* and *Prunus serrulate*). In addition to this, where there are no boundary treatments a 2.4m high metal post and rigid weld mesh panels are proposed. In addition to this, I note that, at lower ground floor level, there are several grassed areas which include trees.

7.7.5 I note the concerns of the Planning Authority with respect to the use of grasscrete within the open space at podium level. However, this arrangement was approved as part of the previously permitted development on the land (Reg. Ref. 20108 / ABP-309929-21) and given that the application being currently considered represents an

amendment to a permitted development is considered to be acceptable in this instance. Notwithstanding this, I do have concerns with respect to the location of the children's play area with the grasscrete area and I would recommend that this play area is relocated to an area to the west of the site where there is grass.

7.7.5 In addition to this, I refer the Coimisiún to Drawing No. PA -110 'Lower Ground Floor Plan / Car Park' which shows areas of open space. In my opinion, much of the proposed open space at lower ground level would appear to be incidental. However, there is a potential for the area to the north of Block A (and the west of Block B) to be landscaped to provide a reasonable area for passive recreation. I note there is an area to the north of Block B which also could be landscaped; however, I would have concerns with respect to the privacy of Unit 55 within Block B.

7.7.6 Overall, I am satisfied that the landscaping as proposed would not vary substantially from what has been previously permitted on the appeal site and is therefore acceptable.

## **7.8 Natural Light**

7.8.1 The fourth reason for refusal states that the proposed development would fail to offer an adequate level of natural light to habitable rooms of the lower ground floor apartments and thus would have a significant negative impact on the residential amenity and standard of living of the future occupants of the proposed development.

7.8.2 The first party states that the lower ground floor apartments have been designed to meet all relevant standards of the Planning Design Standards for New Apartments 2025. In addition to this, it is states that the amendments were subject to a comprehensive Daylight and Sunlight Assessment prepared by Digital Dimensions which establishes that 100% of the living, dining and kitchens and bedrooms achieve target values and 100% of rooms achieve minimum illuminance and 89.3% achieving target illuminance.

7.8.3 There are two units at lower ground floor of Block A (Units 50 and 51) and two units at lower ground floor of Block B (Units 55 and 56). I refer the Coimisiún to Appendix A and B of the Daylight / Sunlight Analysis prepared by Digital Dimensions. Appendix A shows that all of the rooms surveyed (L/K/D and Bedrooms) of the lower ground floor apartments achieve compliance with Minimum Illuminance Levels to BS EN17037:2018+A1:2021 - Table NA.1.

7.8.4 Appendix B of the Daylight / Sunlight Analysis prepared by Digital Dimensions demonstrates that the bedrooms of Unit 50 would fail to meet the target illuminance as set out in EN 17037 Table A.1.

7.8.5 While I note the bedrooms within Unit 50 would fail this test, I am satisfied that this can be compensated by the fact that the L/K/D of Unit 50 achieves a high score with respect to illuminance as set out in EN 17037 Table A.1. I also note that both bedrooms have access to an external terrace, which, in my view, provides adequate compensation.

7.8.6 Having regard to the foregoing, I am satisfied that the proposal would ensure that the apartments at lower ground floor level would offer an adequate level of natural light to habitable rooms.

#### *Private amenity space*

7.8.7 The second part of reason No.4 for refusal states that the private amenity space provided in the form of balconies does not provide the occupants with an adequate level of security and an adequate sense of safety on the lower ground level.

7.8.8 The first party states that all lower ground level apartments facing onto public realm will benefit from a landscaped privacy strips to ensure both privacy and security. Substantial privacy strips will be provided for Block A where publicly accessible areas directly adjoin the public realm. Access to the rear of Block B will be restricted and used for maintenance only.

7.8.9 I refer the Coimisiún to Drawing No. PA -110 'Lower Ground Floor Plan / Car Park' which shows that there is no privacy strip between the proposed terraces at lower ground floor level and the adjacent open space. I would agree with the Planning Authority that this would not provide the occupants with an adequate level of security, however, I am satisfied that this matter could be mitigated by way of condition requiring an updated landscape plan to show adequate privacy strips to all terraces at lower ground floor level, should the Coimisiún be of a mind to grant planning permission.

## **7.9 Flooding**

7.9.1 The application material includes a report on Site-Specific Flood Risk Assessment prepared by DBFL Consulting Engineers which concludes that the that the site is in

Flood Zone C according to the guidelines. In addition to this, it is concluded that the proposed development is appropriate for the site's Flood Zone Category.

- 7.9.2 The proposed development is considered to have the required level of flood protection up to and including the 1% AEP flood event. Overland flow paths have been identified for pluvial flooding exceeding the capacity of the surface water drainage network.
- 7.9.3 I make the Board aware I have consulted the flood mapping system ([www.floodinfo.ie](http://www.floodinfo.ie)) and I note that the subject land is within Flood Zone 'C'.
- 7.8.3 Having considered all the foregoing; I consider the proposed development would not result increase the risk of flood either within the site itself or the surrounding area. The proposal is acceptable from a flood risk perspective.

## 8 AA Screening

- 8.1 The appeal site is not located on or within any designated Natura 2000 site(s) or Natural Heritage Area(s). However, the development site is located immediately adjacent to the Rye Water Valley/Carton SAC (Site Code: 001398) The next closest Natura 2000 site is Glenasmole Valley SAC approximately 17km to the southeast. The Rye Water is a tributary of the River Liffey which discharges to Dublin Bay and the North Dublin Bay SAC, South Dublin Bay SAC. North Bull Island SPA and South Dublin Bay and River Tolka Estuary SPA lie circa 20km downstream.
- 8.2 The Appropriate Assessment Report prepared by Biosphere Environmental Services states that the Rye Water is a tributary of the River Liffey and the following European sites located in Dublin Bay lie approximately 20 km downstream of the Proposed Development site: North Dublin Bay SAC (code 000206), South Dublin Bay SAC (code 000210), North Bull Island SPA (code 004006) and South Dublin Bay and River Tolka Estuary SPA (code 004024).
- 8.3 It is noted that the permitted development was subject to a Natura Impact Statement. This statement found that *"It has been objectively concluded by Scott Cawley Ltd., following an examination, analysis and evaluation of the relevant information, including in particular the nature of the predicted impacts from the proposed development, that the proposed development will not adversely affect (either directly or indirectly) the*

*integrity of any European site, either alone or in combination with other plans or projects.”*

- 8.4 The Appropriate Assessment Screening Report notes that the footprint of Blocks A and B and the layouts of the permitted apartments and childcare facility are unchanged from the permitted development Reg. Ref. 20/108 (ABP-309929-21). As none of the proposed amendments will require mitigation measures in addition to those which will be implemented for the permitted development (as described in NIS for permitted development), the proposed amendments do not have potential to have effects on any of the qualifying interests of the SAC.
- 8.5 For foul water, the increased number of residential units (59 compared to previously permitted 49) will result in a Population Equivalent (P.E.) of 162 compared to 135 for permitted development (based on 2.7 persons per unit – Irish Water Code of Practice). As this is a relatively minor P.E. increase, the Leixlip WWTP still has adequate capacity to treat foul effluent arising from the proposed amendment development.
- 8.6 From the above, it can be concluded with full scientific certainty that there is no potential for adverse effects on the four European sites within Dublin Bay from construction or operation activities associated with the proposed amendment development.
- 8.7 Having considered the nature, scale, and location of the proposed development, I am satisfied that it can be eliminated from further assessment for the following reasons:
- The serviced urban location of the subject site.
  - The residential character of the proposed development.
  - The distance from the subject site to any European Site.
  - The lack of direct downstream hydrological or overland connection to the closest European Sites.
  - The lack of identified in-combination effects.
- 8.5 No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **9. Water Framework Directive**

- 9.1 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.

- 9.2 An Coimisiún Pleanála and other statutory authorities cannot grant development consent where a proposed development would give rise to a deterioration in water quality.
- 9.3 The appeal site is located c. 160m to the south of the RYE WATER\_040 River Waterbody IE\_EA\_09R010600. This waterbody is classified as at-risk ecological status in proximity to this appeal site. This is illustrated on the EPA mapping (<https://gis.epa.ie/EPAMaps/agriculture>).
- 9.4 I have assessed the application for the construction of a residential development for which permission is sought and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. Please see Appendix 3 below.

## **10. Recommendation**

- 10.1 I recommend that planning permission be granted.

## **11. Reasons and Considerations**

- 11.1 Having regard to the provisions of the residential zoning objective of the subject site, its location in proximity to Leixlip Town Centre and Leixlip Lousia Bridge Train Station 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 the area or property in the vicinity and would be acceptable in terms of the protection of existing residential amenity, traffic and pedestrian safety, surface water design and flooding. The proposed

development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12. Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on 8<sup>th</sup> September 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. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Reg. Ref. 20/108 / ABP-309929-21) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission(s).

3. Prior to the commencement of development:
  - a) An updated landscape plan showing the children's play area within the grassed area to the south of the podium level and a detailed landscape proposal for the open space area to the north of Block A at lower ground

floor level and adequate privacy strip between the proposed terraces at lower ground floor level and the adjacent areas of open space

- b) A drawing showing pedestrian routes through the car park.
- c) A structural engineer and a report submitted indicating the suitability of the podium for firefighting operations.
- d) An updated auto track assessment with the landscaping plan overlain on the proposed road layouts, and the route from the main access roadway from Louisa Park also indicated.
- e) The extent of hardstanding and reinforced grass area are to be shown on the site layout map. Consideration should be given to how the mix of surfaces will interact with the movement of vehicles in excess of 16 tonnes
- f) A statement outlining how the developer would take due consideration of this obligation under the Railway Safety Act 2005 to ensure that any construction/ work near the railway poses no danger or hazard to railway operations during the planning and construction of the development.

**Reason:** In the interest of residential amenity, traffic safety, fire safety and the operational safety of the train line.

4. No development shall commence on the site until such time as the following have been agreed and complied with:

(a) A storm water drainage plan and storm water management plan are agreed to in writing with the planning authority.

(b) Requirements of Kildare County Council's Area Engineer, Building Control Section, Transportation, Mobility and Open Spaces Section, Environmental Health Section, Environment Section, Water Services

Section, Housing Section, Parks Section and Transportation Section are agreed in writing.

(c) All amenity/open spaces, roads, footpaths, public lighting, water, and wastewater services shall be completed in accordance with the standards and conditions set out in the Departmental publication Recommendations for Site Development Works for Housing Areas, except where superseded.

(d) Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

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 any house within 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.

5. 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 and car park, shall be submitted to, and agreed in writing with the planning authority.

**Reason:** In the interest of sustainable transportation, and traffic and pedestrian safety.

6. 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.

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

**Reason:** In the interests of visual and residential amenity

8. 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.

9. 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.

10. 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

11. 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

12. 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

13. 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) Measures to ensure that there no pollutants including dust and hydrocarbons enter any water bodies.

(ii) collection and disposal of construction waste,

(ii) surface water run-off from the site,

(iii) on-site road construction, and

(iv) 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.

14. 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.

15. 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 arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason:** In the interest of sustainable transport and safety.

16. 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

17. 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.

15. 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.

16. 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

16 April 2026

**Appendix 1: Form 1 EIA Pre-Screening**

<b>Case Reference</b>	<b>PL-500389-KE-25</b>
<b>Proposed Development Summary</b>	Amendment to previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments.
<b>Development Address</b>	Site to North of Louisa Park, Station Road, Leixlip, Co. Kildare.
<b>IN ALL CASES CHECK BOX / OR LEAVE BLANK</b>	
<b>1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?</b>	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	<b>State the Class here</b>
<input type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	Class 10 of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising the construction of more than 500 dwellings, or for urban development which would involve an area

<p><b>Preliminary examination required. (Form 2)</b> <b>OR</b> <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>The proposal comprises of an amendment to a permitted development of 49 units to increase the total number of units to 59 on a site of c. 0.362 hectares in a residential area.</p>
<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

Date:

## Appendix 2: Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>PL-500389-KE-25</b>
<b>Proposed Development Summary</b>	<p>Amendment to previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments.</p>
<b>Development Address</b>	<p>Site to North of Louisa Park, Station Road, Leixlip, Co. Kildare.</p>
<p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is for the amendment to a previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments which comes forward as a standalone project, and it does not involve 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.</p>

<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated on an infill site and surrounded by existing residential development to the south and east.</p> <p>There is no direct hydrological links to any European sites. The development is removed from sensitive natural habitats, dense centres of population and designated sites and landscapes of identified significance in the County Development Plan.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/ features; likely limited magnitude and spatial extent of effects; and absence of in combination effects, there is no potential for significant effects on the environmental factors.</p>
<p><b>Conclusion</b></p>	

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

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 – AA Screening Determination

### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal for the construction of the amendment to previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments in light of the requirements S177U of the Planning and Development Act 2000 as amended. The application material includes an Appropriate Assessment-Natura Impact Assessment Screening report prepared by Biosphere Environmental Services.

#### *Screening summary*

The Appropriate Assessment Screening report identifies 1 Natura 2000 designated sites within 15km of the application site. This is the Rye Water Valley/Carton SAC (site code 001398). The Rye Water is a main tributary of the Liffey which connects to the following European sites:

- South Dublin Bay SAC (code 00210)
- South Dublin Bay and River Tolka Estuary SPA (code 004042)
- North Dublin Bay SAC (code 00206)
- North Bull Island SPA (code 004006)

#### *Rye Water Valley/Carton SAC (site code 001398)*

The Rye Water Valley/Carton SAC is adjacent to the appeal site. A site-specific objective has been developed for the Rye Water Valley/Carton SAC which can be summarised as to restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion), Narrow-mouthed Whorl Snail (*Vertigo angustior*) and Desmoulin's Whorl Snail (*Vertigo moulinsiana*) in the Rye Water Valley/Carton SAC.

#### *South Dublin Bay SAC (site code 00210)*

A site-specific objective has been developed for the South Dublin Bay SAC which can be summarised as to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC.

*South Dublin Bay and Tolka Estuary SPA (code 004042)*

A site-specific objective has been developed for the South Dublin Bay and Tolka Estuary SPA which can be summarised as to maintain the favourable conservation condition of Light-bellied Brent Goose, Oystercatcher, Ringed Plover, Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, wetland habitat South Dublin Bay and River Tolka Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

*North Dublin Bay SAC (code 00206)*

A site-specific objective has been developed for the North Dublin Bay SAC which can be summarised as to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonizing mud and sand, Atlantic salt meadows (*Glauco-Puccinellietalia maritima*), Mediterranean salt meadows (*Juncetalia maritimi*), Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* ('white dunes'), Fixed coastal dunes with herbaceous vegetation ('grey dunes'), Humid dune slacks, and Petalwort North Dublin Bay SAC.

*North Bull Island SPA (code 004006)*

A site-specific objective has been developed for the North Bull Island SPA which can be summarised as to maintain the favourable conservation condition of Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, and wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it in the North Bull Island SPA.

*Conclusion*

The report concludes that the proposed amendment development will not require mitigation measures for surface water run-off in addition to those which will be implemented for the permitted development (as described in NIS for the permitted development). Hence, the proposed amendment development does not have potential to have effects on any of the qualifying interests of the SACs or Special Conservation Interests of the SPAs within the Dublin Bay system.

Therefore, all sites are screened out as it can be concluded with full scientific certainty that there is no potential for adverse effects on the four European sites within Dublin Bay from construction or operation activities associated with the proposed amendment development.

#### *In Combination Effects*

From the perspective of Appropriate Assessment Screening, the present report considers that the proposed project, individually or in-combination with other plans or projects, has no realistic potential to cause significant effects on any European site.

It is stated that as the proposed amendment development is entirely within the footprint of the permitted development, and has been objectively shown not to have potential for adverse effects in addition to the permitted development on any European site, it is concluded that the proposed amendment development will not contribute to any in-combination effect on European sites.

The proposed residential development, by its scale and nature, will not draw significant volumes of surface water, groundwater or materials, in this way the proposed development will not impact the structure of any Natura 2000 sites either alone or in combination with other sites.

To assess potential compounding effects, I have assessed what I consider to be key plans. National, Regional and Local Plans and planning applications for large or utility developments within approximately 2 km of the subject site in the past 5 years (ABP Ref. 309929-21).

The National Planning Framework 2040, Regional Spatial and Economic Strategy for the Eastern and Midland Region and the *Kildare County Development Plan 2023-*

2029 provide a framework for development in the subject area. Each of these plans have been the subject of Strategic Environmental Assessment and contain objectives to support sustainable residential development and to prevent impacts on the environment and Natura 2000 sites. On this basis, I do not consider that significant likely impacts on Natura 2000 sites arise from the implementation of these Plans.

Accordingly, it is concluded:

(i) that the project is not directly connected with or necessary to the management of a Natura 2000 site, and

(ii) significant impacts on the Natura 2000 network are not foreseen as a result of the proposed

#### *Appropriate Assessment Conclusion*

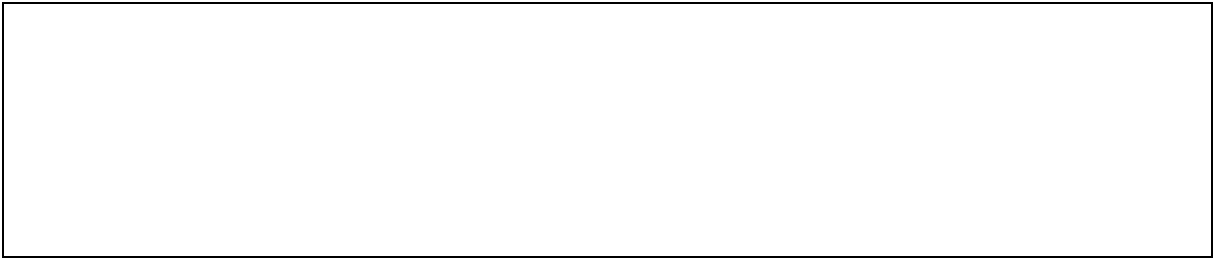
The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 (as amended).

Following an Appropriate Assessment Screening exercise, 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's: 00210, 001398, 004042, 00206 and 004006 or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on:

- The serviced urban location of the subject site.
- The previously permitted development on the site which the proposed development seeks to amend.
- The residential character of the proposed development.
- The distance from the subject site to any European Site.

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



## Appendix 3

### Water Framework Directive Screening and Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
<p>3.8. <b>Step 1:</b> The proposed development comprises of the amendment to previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments.</p> <p>Site Area 0.398ha</p> <p>Site serviced by drainage and sewage.</p>			
<b>An Bord Pleanála ref. no.</b>	<b>PL-500389-KE-25</b>	<b>Townland, address</b>	North of Louisa Park, Station Road, Leixlip, Co. Kildare.
<b>Description of project</b>		The proposed development comprises of the amendment to previously permitted development Reg. Ref 20/108 (ABP-309929-21), to remove the basement level, create a new podium level and incorporate a new lower ground floor and penthouse level to provide 10 no. additional apartments.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The topography of the site is undulating with a level difference of 7.5m between the highest and lowest point of the site.</p> <p>The landholding is located c 160m to the south of the RYE WATER_040 River Waterbody IE_EA_09R010600.</p>	
<b>Proposed surface water details</b>		SuDS, attenuation basin, raingardens, and soakaways.	

<b>Proposed water supply source &amp; available capacity</b>	Mains
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>	Mains
<b>Others?</b>	No.

**Step 2: Identification of relevant water bodies and Step 3: S-P-R connection**

<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbody	160m to the north	RYE WATER_040 River Waterbody IE_EA_09R010 600	At risk	Review.	Urban wastewater  Urban run-off	Yes - Hydrological connection to waterbody via public surface water sewer which discharges to the Rye Water River Screened in
Groundwater Waterbody	Underlying site	Dublin Code: IE_EA_G_008	Review	Not at risk.	No pressures.	Surface run-off and 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	RYE WATER_040 River Waterbody IE_EA_09R01 0600	Surface water discharged to watercourse via public surface water drainage network.	Sedimentation, Siltation due to Earthworks and vegetation clearance, Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP & SUDS which will reduce run-off volumes and improve run-off water quality	No	Screened out
2.	Ground	Dublin Code: IE_EA_G_008	Drainage to ground water as it underlies the site	Sedimentation, Siltation due to earthworks, vegetation clearance, soil/subsoil stripping and stockpiling. Hydrocarbon spillages/leaks from machinery, plant	Standard construction practice CEMP	No, Mitigation measures will protect water quality and minimise recharge volumes.	Screened out
<b>OPERATIONAL PHASE</b>							
1.	Surface	RYE WATER_040 River	Surface water	Deterioration in	Discharges to surface water sewer	No, proposed	Screened out



	Groundwater discharge	body IE_EA_G_008		Reduction in groundwater quality		volume of groundwater will be protected by proposed mitigation measures	
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