



An
Coimisiún
Pleanála

Inspector's Report

PL-501038-KE-26

Development

Demolition of structure, construction of mixed use development, including 4 commercial units, crèche and 76 residential units.

Location

Lands at Swan Dowlings Pub, Limerick Road, Naas, Co. Kildare.

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2561497

Applicant(s)

Eamon Cooke

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Eamon Cooke

Observer(s)

None

Date of Site Inspection

22nd June 2026

Inspector

Terence McLellan

1.0 Site Location and Description

- 1.1. The subject site refers to the building and plot located at the former Swan Dowlings public house in Naas, County Kildare. The site is located at the junction of the Limerick Road (R445) and John Devoy Road. The existing pub is long vacant and comprises a two storey detached building with vehicular access from Limerick Road to the long linear plot to the rear. The rear of the site is currently in hardstanding and appears to have previously been in use as a car park. The boundaries are marked by stone walls, and the vehicular access is gated.
- 1.2. Limerick Road marks the site's northern boundary. The area directly opposite the site on Limerick Road is predominately residential, characterised by two storey terraced and semi-detached dwellings, save for a small hotel, bookmaker and a newsagent (all two storey). To the east the site is bounded by an Applegreen Petrol Station and shop and Gael Choláiste Chill Dara (one and two storey). To the west the site is bounded by Kildare County Council headquarters which rises to four storeys. To the south the site is bounded by the enclosed open space of Gael Choláiste Chill Dara and beyond this is the fairly recent development of the Devoy Quarter which includes new homes rising up to four storeys as well as a hotel/spa.

2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of the existing two storey building and redevelopment of the site to provide a residential led mixed use development. The development would range in height from five storeys on the Limerick Road frontage and stepping down to four storeys further along John Devoy Road. The ground floor would accommodate four commercial units, an indoor amenity space, a crèche and a car parking area, accessed from John Devoy Road.
- 2.2. A total of 76 flatted dwellings would be provided on the upper levels of the development. All dwellings would be provided with either a private balcony or terrace amenity space. A communal garden amenity space would be provided at first floor podium level. A private external amenity space would be provided at the southern end of the site for the crèche. A summary of the key development statistics is provided below.

Site Area	0.39 ha	
Schedule of Accommodation	1 Bed	33
	2 Bed	39
	3 Bed	4
	Total	76
Maximum Height	5 Storeys	
Car Parking	54 no. spaces comprising: 41 no. resident 2 no. visitor 3 no. accessible 4 no. car club 3 no. commercial 1 no. crèche	
Cycle Parking	182 no. spaces comprising: 123 no. resident 38 no. visitor 12 no. commercial 6 no. crèche	
Density	195 units per hectare.	
Plot ratio	1.89	
Site Coverage	c.75%	
Dual Aspect	55%	

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Kildare County Council refused planning permission by order dated 23rd February 2026 for the following six reasons:

1. Having regard to the net density of the proposed development at 195 dwellings per ha within a Key Town specified in the Guidelines as appropriate for a range of between 40-100 dwellings per ha. The proposed development represents an excessive residential density contrary to Policy and Objective 3.1 of Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (Section 28 Ministerial Guidelines), requiring that the recommended residential density ranges set out in Section 3.3 of the Guidelines are applied within statutory development plans and in the consideration of individual planning applications. To permit a density in excess of the applicable range of densities as set out in the Guidelines would set an undesirable precedent for similar developments of this scale and nature within the vicinity and would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed 54 no. vehicular parking spaces is significantly below the maximum requirements of Table 15.8 of Chapter 15 of the Kildare County Development Plan 2023–2029 where 157 no. parking spaces are required for the apartment and commercial retail elements of the proposed development. The parking shortfall is further exacerbated by the provision of only one space for the proposed crèche development, which again, falls short of Table 15.8. The shortfall of parking proposed would conflict with Objective MTO 4.1 of the Naas Local Area Plan 2021-2027 which seeks to apply the parking standards in the Kildare County Development Plan 2023-2029, and relevant Section 28 Guidelines, to all applications for planning permission in Naas. Furthermore, the shortfall of parking spaces for the proposed development would represent a hazard with regard to unauthorised parking of vehicles on the public road and footpath network along the John Devoy Road, the Devoy Quarter, at the Osprey Hotel and within the Kildare County Council car parks, would endanger public safety by reason of traffic hazard and the obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area.

3. Having regard to local circumstances and an assessment of public transport facilities and services, the Planning Authority does not consider the site to be an accessible location or an intermediate location due to the lack of high frequency (10 minute peak hour) or reasonably frequent (min 15 min peak hour) urban bus services. The site is not located at a confluence of multiple transport systems within walking distance such as commuter rail links and there is a limited bus transport link serving Naas, not running at high peak frequency. To this end and having regard to the level of car parking provision on site, the proposed development would conflict with the provisions of SPPR 3 of Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (Section 28 Ministerial Guidelines), where it states a specific planning policy requirement that in intermediate and peripheral locations, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
4. Policy IN P4 of the Kildare County Development Plan 2023-2029 seeks to ensure adequate surface water drainage systems are in place which meet the requirements of the EU Water Framework Directive and the River Basin Management Plan in order to promote the use of Sustainable Drainage Systems. Furthermore, Objective IN O22 of the Plan requires the implementation of Sustainable Urban Drainage Systems (SuDS) and other nature-based surface water drainage as an integral part of all new development proposals. In addition, Objective IN O24 of the Plan seeks to only consider underground retention solutions when all other options have been exhausted. The proposed development proposes to discharge surface water via an underground attenuation tank contrary to the provisions of the Plan. To permit the development as proposed would be contrary to the provisions of the Kildare County Development Plan 2023-2029 and to Section 28 Ministerial Guidelines - Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities

with regard to sustainable drainage systems, would set an undesirable precedent for similar development of this scale and nature and would therefore be contrary to the proper planning and sustainable development of the area.

5. The proposed development by reason of scale, bulk and massing, giving rise to an overdevelopment of the site, and with consequent negative visual impact on this prominent corner site at the gateway into Naas, contrary to the key indicators of quality design and place making as set out at Section 4.4 of the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (Section 28 Ministerial Guidelines), would set an undesirable precedent for similar developments of this nature in Naas and would therefore be contrary to the proper planning and sustainable development of the area.
6. Having regard to the lack of adequate detail received in relation to access, parking, mobility management, road safety audits, creche details, landscaping, green infrastructure including arboricultural assessment, compliance with Part V requirements, and access to Uisce Eireann infrastructure, it is considered in the absence of such information, that the proposed development would be premature and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. The Planner's Report contains the following points of note:

- The site is zoned A – Town Centre. Mixed use/commercial development is acceptable in this land use zoning.
- The scale and bulk of the development considerably alter the appearance of the corner site.
- Density is 195 dwellings per hectare (dph) which is well in excess of the 40-100 dph range set out in the Compact Settlement Guidelines.

- In terms of density, it is noted that none of the exceptions specified in the Guidelines would apply and that any refinement allowable must be within the indicated range.
- Housing quality standards are acceptable (mix, floor area, storage, private amenity space, public and communal open space etc.).
- There is a high proportion of single aspect units which is not ideal.
- The design lacks character and does not address its context successfully.
- The height, scale, bulk and mass taken in conjunction with the near 100% coverage of the site represents an overdevelopment of the site.
- The southern elevation should be fully reconsidered.
- The proposal competes too much with the Áras building.
- The ground floor level has too many gaps/inactive frontage.
- No amenity impacts are anticipated in terms of overlooking/loss of privacy or daylight/sunlight.
- Concerns raised regarding the impact on the mature tree within the site. No arboricultural survey has been undertaken.
- The existing stone wall offers quality and historical punctuation, offering relief from the contemporary/modern-type structures in proximity.
- Clarity is required as to how the stone wall will be reused within the ground floor of the building.
- 54 car parking spaces are provided, including 41 residential spaces, whereas the CDP requires 157 spaces, including 133 residential spaces. The shortfall in car parking is unacceptable.
- The shortfall in parking could lead to unauthorised parking on the footpath and road network.
- The site is not considered to be an accessible or intermediate location. Bus services are limited and infrequent. In intermediate and peripheral locations, the maximum parking is two spaces per dwelling.
- Even if considered an accessible location, 1.5 spaces per dwelling would be required and the scheme would still not comply.
- Cycle parking is acceptable.

- The primary surface water drainage infrastructure on site will comprise an underground attenuation tank. CDP policy seeks to only consider underground retention solutions when all other options have been exhausted.
- Uisce Éireann is not satisfied with the level of detail in the application, noting that an existing foul sewer lies within the site and that it is not permitted to build over Uisce Éireann assets.
- No details have been provided regarding staff and child numbers for the proposed crèche.
- The proposed development fails to adequately satisfy many of the key indicators of quality design and placemaking as required by the Compact Settlement Guidelines.
- The development results in a near 100% built coverage which is not acceptable. Future proposals for the site should explore more nature-based solutions and green infrastructural pieces such as swales, linked tree pits and rain gardens within the public realm area.

3.3. Other Technical Reports

- 3.3.1. **Naas Municipal District Engineer (08.01.2026):** No objection subject to conditions.
- 3.3.2. **Building Control (27.01.2026):** No observations.
- 3.3.3. **Chief Fire Officer (17.02.2026):** Standard conditions recommended.
- 3.3.4. **Environmental Health Officer (03.02.2026):** Conditions recommended.
- 3.3.5. **Environment Section (21.01.2026):** Conditions recommended.
- 3.3.6. **Housing Section (13.01.2026):** Further Information requested regarding a list of the units to be transferred to the Planning Authority and the estimated costs, calculations, and methodology. Conditions are also recommended.
- 3.3.7. **Parks Section, Transport, Mobility and Open Spaces (09.02.2026):** Further Information recommended requiring the Applicant to engage a qualified arborist to provide information on the existing tree on the site boundary, the intentions for the tree, and whether or not it is to be retained or removed.
- 3.3.8. **Roads, Transportation, and Public Safety Department (12.02.2026):** Recommend refusal on the basis that the shortfall in car parking would represent a hazard of

unauthorised parking on surrounding roads, streets and the car parks at the Council offices and the Osprey Hotel, resulting in an endangerment to public health by reason of traffic hazard and the potential obstruction to traffic and vulnerable road users. Refusal was also recommended on the basis that the development is in a peripheral/less accessible location in public transport terms and that the parking levels proposed would not comply with policy or the Apartment Guidelines 2023.

3.3.9. In the event that the Planning Authority decide to request Further Information, the section seek the following:

- Address car parking inconsistencies between the ground floor plan and the design statement.
- Address shortfall in residential and commercial parking.
- The crèche is allocated one space. This would lead to unauthorised parking on the footpath and road network. The lack of crèche parking should be addressed.
- Reconsider the loading bays, which may impact on the free flow of traffic from the signalised junction and also lead to unauthorised parking of private vehicles due to the shortfall in parking. Removal of the loading bay on John Devoy Road.
- Parking should be considered in relation to the standards set out in the Apartment Guidelines 2023 with regard to peripheral and less accessible urban locations.
- Address width of perpendicular parking spaces as well as the accessible spaces.
- Retention of the existing public footpath at its full existing width,
- Address surface water runoff concerns.
- Provide a Mobility Management Plan, a Stage 1 Road Safety Audit, a draft Construction and Demolition Management Plan, a lighting report and site lighting layout drawing, and a revised TTA.

3.3.10. **Strategic Projects and Public Realm (05.01.2026):** No comments.

3.3.11. **Water Services Department (17.02.2026):** No objection subject to conditions.

3.4. **Prescribed Bodies**

- 3.4.1. **Uisce Éireann (26.01.2026):** Requested Further Information regarding the existing sewer within the site. FI to cover engagement with Uisce Éireann's Diversions Team to assess feasibility of build over/diversion, or provision of revised plans clearly indicating separation distances from existing infrastructure within the site in compliance with Uisce Éireann's Standards and Code of Practice.

3.5. **Third Party Observations**

- 3.5.1. None received.

4.0 **Planning History**

- 4.1. **Planning Authority Reference 12/500063:** Permission was granted by Kildare County Council in March 2013 for the demolition of the existing building and the construction of a two storey mixed use development comprising office, a pub, and a pharmacy at ground floor level and retail units on the upper floors.
- 4.2. **Planning Authority Reference 07/500171:** Permission was granted by Kildare County Council in July 2008 for the demolition of the existing building and construction of a mixed use development comprising cafes, restaurant, retail, office and residential (48 units) in two blocks comprising Block A (5 storey) and Block B (7 storey).
- 4.3. **ABP Reference 224048/Planning Authority Reference 07/500051:** Permission was refused by Kildare County Council in May 2007 for the demolition of the existing building and construction of a part six/part five storey mixed use development comprising café/restaurant, retail, office and residential (51 units). The decision was appealed to the Commission and subsequently withdrawn.

5.0 **Policy Context**

National Policy

5.1. **The National Planning Framework: First Revision April 2025**

- 5.1.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high-quality urban places and deliver compact urban growth. It seeks to prioritise development that can encourage more people to live or work in existing settlements, including through the

provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Relevant National Policy Objectives (NPOs) include:

- 5.1.2. NPO 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.
- 5.1.3. NPO 9: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth.
- 5.1.4. NPO 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- 5.1.5. NPO 14: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions, increased residential population and employment activity, enhanced levels of amenity and design and placemaking quality, in order to sustainably influence and support their surrounding area to ensure progress toward national achievement of the UN Sustainable Development Goals.
- 5.1.6. NPO 20: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.1.7. NPO 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.1.8. NPO 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.2. Housing for All - a New Housing Plan for Ireland (September 2021)

- 5.2.1. The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types

for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

Regional Policy

5.3. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031

- 5.3.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP), and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth

Local Policy

5.4. Kildare County Development Plan 2023-2029

- 5.4.1. **Chapter 2: Core and Settlement Strategy** sets out population projections over the lifetime of the plan. Table 2.7 provides the 'Settlement Hierarchy and Typology County Kildare. Sallins is identified in the Core Strategy as a Town which is described as "Local Service and employment functions in close proximity to higher order urban areas.' The Core Strategy Table (Table 2.8) identifies a planned population increase of 478 persons and a housing unit target of 174 for Sallins to the end of Q4 2028, with a target residential density of 35 40 units/ha.
- 5.4.2. **Chapter 3 - Housing** seeks to demonstrate how the Plan intends to accommodate the full range of current and future housing needs of all members of society throughout the

county while giving clear guidance on making provision for specialised housing requirements and providing for the needs of communities in order to deliver sustainable residential communities across the county. Relevant policies and objectives include:

- 5.4.3. **HOP5** Promote residential densities appropriate to its location and surrounding context.
- 5.4.4. **HPO5** Encourage appropriate densities are achieved in accordance with the Core Strategy in Chapter 2 of this Plan, and in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Urban Development (Cities, Towns and Villages), DEHLG, 2009, Urban Design Manual: A Best Practice Guide, DEHLG, 2009; Urban Development and Building Height Guidelines for Planning Authorities (2018); and with reference to Circular Letter NRUP 02/2021 (April 2021)
- 5.4.5. **HOO6** 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.
- 5.4.6. **HOP6** Promote and support residential consolidation and sustainable intensification and regeneration through the consideration of applications for infill development, backland development, re-use/adaption of existing housing stock and the use of upper floors, subject to the provision of good quality accommodation.
- 5.4.7. **Chapter 5 – Sustainable Mobility and Transport** aims to promote and facilitate ease of movement within and through County Kildare, by integrating sustainable land use planning and a high-quality integrated transport system; and to support and prioritise investment in more sustainable modes of travel, the transition to a lower carbon transport system, and the development of a safer, efficient, inclusive, and connected transport system.
- 5.4.8. **Chapter 6 - Infrastructure and Environmental Services** aims to create an environment characterised by high quality infrastructure networks and environmental services that complement the overall settlement and economic strategy and ensures the health and wellbeing of those who live and work in the County, also securing the economic future of the County.
- 5.4.9. **Chapter 12 – Biodiversity and Green Infrastructure** seeks to protect, manage and enhance the County's biodiversity for future generations, including sites designated at

national and EU level, protected species and habitats outside of designated sites and to promote the development of an integrated Green Infrastructure network in order to improve our resilience to climate change and to enable the role of Green Infrastructure in delivering sustainable communities

5.4.10. **Chapter 13 – Landscape and Recreation** aims to provide for the protection, management, and enhancement of the landscape of Kildare to ensure that development does not disproportionately impact on the unique landscape character areas, scenic routes or protected views; and to support the provision of high quality and accessible recreational facilities, amenities and open spaces for residents and visitors to the County, in recognition of the contribution of all forms of recreation to quality of life, personal health and wellbeing.

5.4.11. Chapter 14 - Urban Design, Placemaking and Regeneration has three key aims, namely:

- To create vibrant and bustling towns and villages with a diverse mix of activities where residents benefit from inclusive, attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in.
- To deliver improved urban design and healthy placemaking outcomes across Kildare's network of settlements through the implementation of the principles people-centred and design-led planning, including the 10-minute Settlement concept.
- To continue to pursue a Town Centre First approach to planning, renewing, and developing the historic cores of County Kildare's towns and villages.

5.4.12. Chapter 15 – Development Management sets out the relevant development management standards to guide development across the County. Section 15.4.3 relates to residential density, noting that indicative density levels for residential development are set out in Table 3.1 of Chapter 3. As per the Section 28 Guidelines on Urban Development and Building Heights (2018) this Plan supports a drive for increased building heights in appropriate locations in order to maximise the efficient use of development land in urban areas. In this regard, Section 14.8 identifies specific locations within the county which have the capacity to suitably accommodate taller buildings, including for residential development. Local Area Plans will also identify

density targets for particular sites and specify locations for taller buildings as appropriate.

5.5. Proposed Variation No. 3

5.5.1. Proposed Variation No. 3 seeks to align the Kildare County Development Plan 2023-2029 with Ministerial Guidelines published in accordance with Section 28 of the Planning and Development Act 2000 (as amended). The relevant guidelines are:

- NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities (2025), which were published to give effect to the National Planning Framework First Revision (2025), and
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

5.6. Naas Local Area Plan 2021-2027

5.6.1. The site is zoned Objective A – Town Centre. The stated objective being ‘To protect, improve and provide for the future development of the town centre.

5.6.2. The strategic vision for guiding the future growth of Naas focuses on seven key themes including:

1. Town Centre Regeneration
2. Economic Development
3. Urban Design
4. Sustainable Movement
5. Homes and Communities
6. Heritage and Culture
7. Environment and Change.

5.6.3. The Plan states that the established town centre will be the focus for retail, commercial and residential development and will continue to act as the economic, social and cultural hub of the town. The footprint of the commercial core will be consolidated and encouraged to expand to both the east and west of the Main Street.

5.6.4. In terms of urban design, the plan states that the urban form of the town will be consolidated and strengthened with most of the new development being concentrated

within designated Core Regeneration Areas, the Key Development Area and in the longer-term vision to the Northwest Quadrant.

- 5.6.5. It is a strategic aim to develop an improved and permeable sustainable network of cycling and pedestrian routes to encourage alternatives options, improving the permeability of the town centre, providing for an improved public transport network and alleviating traffic congestion in the town centre are priorities of the Plan.
- 5.6.6. **Policy HC1 – Residential Development** - It is the policy of the Council to ensure that sufficient land is available at appropriate locations to satisfy the County Core Strategy growth allocation for Naas, to ensure Naas maintains its status as one of Kildare's Key Towns and that good quality housing is provided.
- 5.6.7. **Objective HCO 1.3** - Encourage the appropriate redevelopment of brownfield and infill sites for residential uses within the footprint of the existing built-up area.
- 5.6.8. **Section 4.4 Residential Density:** 'The overall design and layout of schemes should be of high quality and comply with the urban design principles contained in the Kildare County Development Plan 2017-2023 (as varied) or any subsequent development plan.'
- 5.6.9. **Policy HC2 - Residential Density, Mix and Design** - To ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix

5.7. Ministerial Guidelines

- 5.7.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the reports and submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:
- Planning Design Standards for Apartments – Guidelines for Planning Authorities (2025). These guidelines seek to achieve both high quality apartment development and a significantly increased overall level of apartment output. Standards are provided for apartment sizes, dual aspect ratio and private/communal amenity space.
 - Sustainable Residential Development and Compact Settlement - Guidelines for Planning Authorities (2024). The Guidelines support the application of densities

that respond to settlement size and to different place contexts within each settlement, recognising in particular the differences between cities, large and medium-sized towns and smaller towns and villages. They will also allow greater flexibility in residential design standards and cover issues such as open space, car and cycle parking, and separation distances

- Urban Development and Building Heights - Guidelines for Planning Authorities (2018). The guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

5.8. Natural Heritage Designations

- 5.8.1. The site is not located within or immediately adjacent to a European Site. The nearest European Site is the Mouds Bog SAC (Site code 002331) which is located approximately 7.8km to the west. The Grand Canal proposed Natural Heritage Area (pNHA) is around 280m to the north east of the site.

6.0 EIA Screening

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

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. A First Party appeal has been submitted by Hughes Planning and Development Consultants, for and on behalf of the Applicant, Eamon Cooke, against the decision of Kildare County Council to refuse planning permission for the proposed development. The grounds of appeal are accompanied by the following additional documents:

- Appendix B - Transport Technical Note, prepared by Curtins
- Appendix C – Engineering Technical Note, prepared by DBFL Consulting Engineers
- Appendix D – Landscape technical Note, prepared by CSR Land Planning and Design

7.1.2. The grounds of appeal can be summarised as follows:

7.1.3. Reason for Refusal 1 – Density

- There is too much emphasis on numerical density and density has not been considered in the context of the town centre location, compact growth objectives, the revised Apartment Guidelines, or the policy shift to intensify residential development on town centre and accessible sites.
- The site is a centrally located, serviced and accessible town centre site where compact growth and residential intensification are encouraged in line with national and local policy/guidance.
- The Compact Settlement Guidelines do not require a rigid application of density ranges. They should be considered and refined having regard to location/context, accessibility (services and transport), character and amenity. In central and accessible locations, densities at or above the mid-range should be encouraged.
- The site is in the town centre, within walking distance of public transport, and in immediate proximity to retail, civic and recreational services. In such locations, densities above the mid-range are actively encouraged.
- Density refinement is a two-step process, with optimum density based on accessibility and refinement having regard to character, amenity, and environmental considerations.
- The Planning Authority did not apply this assessment and rely instead on the 40-100dph numerical density range without engaging with the zoning objective which promotes densification/consolidation of the town centre, national policy supporting

higher densities and compact growth, proximity to public transport, or urban design and amenity performance.

- Density should be assessed using a design led, context based approach considering location, accessibility, character and amenity rather than numerical ranges.
- The site occupies a prominent corner site at a key junction with road frontage on two sides.
- Housing quality standards are achieved (dual aspect, separation distances, daylight and sunlight performance) and the development can support the proposed density without compromising residential quality.
- Characterising the development as overdevelopment solely on the basis of numerical density fails to engage with the qualitative and locational planning context.
- Density expressed as units per hectare is intended to guide the preparation of plans and strategies at settlement scale and is highly sensitive to unit mix.
- A greater proportion of one bed units, as permitted under the 2025 Apartment Guidelines, increases density without increasing the building envelope, height, massing, intensity of built form or, to a proportionate degree, population yield.
- An increased proportion of two and three bedroom units would reduce the unit per hectare figure without changing the physical quantum of development.
- The removal of unit mix caps was introduced to allow developers to respond to location, accessibility, housing demand, and viability. The proportion of one bedroom flats is a result of amendments to national policy, and the density outcome is policy enabled rather than accidental.
- The Apartment Guidelines are explicit that an increase in the scale of new buildings is necessary, with highest densities in the most central and accessible locations. The subject site aligns with this.
- The Planning Authority have confirmed compliance with SPPR 1-5 of the Apartment Guidelines. Residential quality standards are met and together with design and amenity considerations, the development cannot be characterised as overdevelopment.

7.1.4. Reason for Refusal 2 – Car Parking

- The site is zoned A - Town Centre, the LAP promotes compact/consolidated growth. Brownfield regeneration, increased pedestrian and cyclist permeability, and reduced car dependency in the town core.
- National policy seeks a reduction in car parking on appropriate sites. The site is in a Core Regeneration Area, beside key services and maximum parking standards should be applied flexibly.
- The Apartment Guidelines (2025) state that parking may be substantially reduced or eliminated in central locations, areas with strong pedestrian/cycling/public transport potential, and on regeneration or brownfield lands. The subject site is such a context.
- The Roads report interprets the CDP as requiring up to two spaces per unit in non-accessible locations. Maximum standards are not mandatory minimums and specifying how many spaces are required would only be accurate if there were minimum standards, which they aren't. The development is therefore policy compliant.
- High levels of cycle parking are proposed.
- Disagree that there is a risk of overspill parking and wider impacts. Measures could be employed such as a baseline survey to understand spare capacity, implementation of a local controlled parking zone, and prohibition of residents qualifying for future parking permits by way of a S.47 agreement. This could be managed through a parking Management and Enforcement Plan.
- Regarding parking at the crèche, operational details can be provided at compliance stage. Given the town centre location and proximity to schools and residential areas, a significant number of trips would be on foot, consistent with typical urban crèche patterns.

7.1.5. Reason for Refusal 3 – Public Transport and Car Parking

- The site is on the R445 primary urban corridor, served by a number of regional bus routes.
- Naas is a key town intended to support compact growth with improved sustainable transport connectivity.
- The transport network is subject to incremental improvements, including regional bus enhancements and cycle network upgrades.

- Note that some peak frequencies fall short of the strict 10-15 minute thresholds referenced, these were written for metropolitan cities, not key towns of Naas' size.
- The site performs significantly better than peripheral suburban sites given the town centre location. The proposed mobility package ensures reduced private car use regardless of current bus frequency.
- Servicing trips can be scheduled outside peak hours, and a Stage 1 road safety audit can be commissioned with potential safety concerns considered to ensure loading bays operate safely.
- A Mobility Management Plan can be prepared to support the application.
- Significant sustainable transport measures include extensive cycle parking and car club provision.
- The proposal can accommodate all requested refinements through either Further Information or compliance.

7.1.6. Reason for Refusal 4 – Surface Water Drainage

- Expert advice was submitted with the application, and the Commission is requested to refer to the deliverables prepared by DBFL Consulting Engineers for civil and structural engineering inputs, and the landscaping details provided by CSR Planning and Design.
- Surface water design utilises nature based SuDS solutions using green roof/green podium coverage with all rainfall is intercepted at source and with the vegetated layers and green roof/podium build up slowing down, treating, and storing rainfall.
- The strategy proposes a treatment train designed to achieve the four pillars of SuDS, addressing water quality, water quantity, amenity, and biodiversity.
- In conjunction with the green roof/podium, flow control and supplementary underground attenuation storage volumes are required to ensure greenfield rates are achieved.
- The system was chosen as the building occupies the plot footprint. Since the system is at ground level it allows infiltration to ground.
- The Water Services Department and Environment Section had no objections, subject to conditions, issues were only raised in the Planner's Report.
- An alternative solution exists whereby roof drainage is directed to additional storage layers within the podium to create a blue/green podium, with attenuation

and flow control provided at this level rather than underground. This could be secured by condition.

7.1.7. Reason for Refusal 5 – Design and Massing

- The Compact Settlement Guidelines state that it will be necessary to increase the scale of new buildings and that most urban locations have significant capacity to accommodate change.
- The assessment should consider if the development is an appropriate response to its context including the zoning objective, town centre function of the site, accessibility, design mitigation measures, and building performance.
- The site is an accessible location, on a prominent junction in Naas town centre, and the development has been carefully designed with stepped massing, setbacks, and screening.
- The zoning objective anticipates consolidation and intensification, recognising that town centre lands have a different character and capacity for development.
- The Planning Authority assessment relies primarily on comparison with the immediate built context whereas it is important to consider prevailing and emerging scale within the town centre rather than the lowest adjoining structures.
- Naas is undergoing a process of consolidation and intensification consistent with national policy, including developments at Finlay Park (Planning Ref. 221502) and Devoy Quarter (ACP Ref. 307258).
- The context is varied, transitional, and evolving. The town centre context cannot be characterised as fixed as low rise suburban scale and the height and massing are a logical and proportionate continuation of the town centre's ongoing evolution.
- Corner sites have recognised capacity to accommodate increased scale and articulation, marking the junction and reinforcing the urban grain.
- The building responds to the context. It transitions in scale to reduce visual impact. Modulation reduces bulk and mass and the building reads as a layered urban form.
- Internal residential amenity performance is compliant with established policy/guidance. Privacy, daylight and neighbouring residential amenity is

safeguarded. The development cannot be regarded as overbearing, overdevelopment, or having a negative visual impact.

7.1.8. Reason for Refusal 6 – Adequacy of Information

- An appropriate level of detail was submitted with the application.

Transport/Parking

- A Mobility Management Plan and a Road Safety Audit can be secured by condition.

Crèche

- Final crèche operational details, including staff and child numbers, can be provided at compliance stage once an operator has been secured.
- The crèche is expected to meet the needs of future residents and the location means a significant proportion of trips will be walking.

Landscaping, Green Infrastructure, Arboricultural Assessment

- Landscaping design is of a high standard, the roof garden is a well planted and attractive amenity space, streetscape design has plenty of planting, a public realm area is provided on the corner, and the crèche has an attractive landscaped area.
- The first floor communal amenity space is well in excess of national policy and CDP requirements.
- The design provides opportunities for play, recreation, social gathering and healthy living.
- Active street frontage is provided, and the streetscape and communal amenity spaces have considerable amounts of planting (trees, shrubs, perennials).
- Durable and comfortable furniture is provided, and appropriate street lighting/bollards is proposed, including provisions for dimming to avoid light pollution and anti-social behaviour.
- Planting quantum and species will improve wildlife and pollination diversity. Planting is located to connect with wider green infrastructure in Naas.
- The landscape design provides sustainable solutions to SuDS, and irrigation will be fed by rainwater.

- Materials will be simple, locally sourced where possible, and offer potential for reuse/recycling.
- 1st floor paving will be permeable.
- One tree on site fell in a storm prior to the application being submitted. Other adjoining trees do not have root systems that penetrate the site.
- Existing trees will be protected during works. If required, an Arboricultural Assessment can be submitted prior to construction as part of a condition.

Part V

- A Part V proposal was submitted to Kildare County Council in November 2025. The proposal provides for 20% of the units as Part V. Kildare County Council confirmed that the Applicant had engaged with them, but no formal agreement was in place. Part V provision can be agreed following a grant of permission.

Uisce Éireann

- The existing foul sewer is likely in private ownership, is associated with the discharge from the vacant pub and would be removed to facilitate the development, subject to agreement with Uisce Éireann.

7.2. Planning Authority Response

- 7.2.1. The Planning Authority confirm their decision and refer the Commission to the Planner's Report and the various technical department reports, including the report from the Transport Department.

7.3. Observations

- 7.3.1. None received.

8.0 Assessment

- 8.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority, and having inspected the site, and having regard to the relevant local/regional/national

policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Density, Car Parking, and Public Transport
- Design and Massing
- Surface Water Drainage
- Adequacy of Information

8.2. Density, Car Parking, and Public Transport

- 8.2.1. The first three reasons for refusal relate to density, car parking, and public transport availability. In terms of density, the Planning Authority consider the proposed density of 195dph to be excessive, having regard to the density ranges set out in the Compact Settlement Guidelines which recommend 40dph-100dph for a town such as Naas, the requirements to refine density, and the fact that the excess density exceptions do not apply. The Planning Authority argue that there is a significant shortfall in car parking and that public transport is not of a sufficiently high capacity/frequency to support the reduced level of car parking proposed. It is therefore the view of the Planning Authority that the development would represent a hazard with regard to unauthorised parking of vehicles on the public road and footpath network that would endanger public safety by reason of traffic hazard and obstruction.
- 8.2.2. The Applicant submits that the proposed density is acceptable having regard to the site's location and national and local policy and guidance that seeks to drive a shift to intensify residential development and secure compact growth objectives. It is the Applicant's position that the guideline density ranges should not be applied rigidly, with a qualitative assessment being required, rather than focussing on numerical density. The Applicant argues that a greater proportion of one bedroom units is permitted by the Apartment Guidelines, which increases density without increasing the building envelope and that the proportion of one bedroom flats is a result of amendments to national policy, and that the density outcome is policy enabled rather than accidental.
- 8.2.3. The Applicant submits that national and local policy seeks a reduction in car parking on appropriate sites and that the site's location within the town centre, with access to services and public transport, is such that parking can be reduced. The Applicant

argues that the Planning Authority are trying to impose mandatory parking levels despite the policy setting maximum standards. In terms of overspill parking, the Applicant refutes the Planning Authority's concerns and considers that measures could be employed to address this such as a baseline parking survey, implementation of a controlled parking zone and prohibition of residents qualifying for future parking permits.

- 8.2.4. On the matter of public transport, the Applicant accepts that some peak frequencies fall short of the strict 10-15 minute thresholds referenced but argues that these standards were written for metropolitan cities, not key towns of Naas' size. It is submitted that the site is well served by bus routes and that and the proposed mobility package ensures reduced private car use regardless of current bus frequency.
- 8.2.5. The site is brownfield and located on town centre zoned lands, approximately 500m from the town centre core as the crow flies. The principle of a high density residential led development on a centrally located brownfield site is well established by national and local policy/guidance which seeks to consolidate and intensify development on serviced urban land in order to achieve compact growth objectives.
- 8.2.6. The Planning Authority's objection on density related to the fact that the proposal was significantly beyond the density ranges specified in the Compact Settlement Guidelines. I accept and agree with the Applicant's view that the recommended density ranges are not mandatory limits, and I agree that density should also be assessed in the context of design, building performance/quality, transport impacts, character etc. However, the Guidelines provide the primary national benchmark against which residential intensity should be measured. In considering the Applicant's position that the proposed density can somewhat be attributed to the 2025 Apartment Guidelines and the flexibility provided in terms of the proportion of one bedroom units, I am of the opinion that whilst the Apartment Guidelines provide flexibility in unit mix, they do not override the need to consider whether or not density is appropriate to the specific site, having regard to locational characteristics and capacity.
- 8.2.7. I have addressed the matter of design, scale, and massing in detail in Section 8.4 of this report. In summary, I am broadly satisfied that the scale and massing is acceptable for this prominent corner location and that there would be no significant adverse visual or townscape impacts. However, I do consider that the scale being proposed would be

at the limit of the local townscape capacity. Whilst I accept the scale and massing of the development in townscape terms, this does not override my wider concerns regarding the overall density and intensity of development.

- 8.2.8. The Compact Settlement Guidelines provide detailed guidance on appropriate density. Naas is designated as a Key Town. The Compact Settlement Guidelines state that it is a policy and objective of the Guidelines that residential densities in the range 40 dph-100 dph shall generally be applied in the centres and urban neighbourhoods of such settlements. Section 3.4 of the Guidelines provides further advice to refine density, giving consideration to the proximity and accessibility to services and public transport. It is stated that Planning Authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area (e.g. 70-100dph), and densities closer to the mid-range at intermediate locations (e.g. 70dph).
- 8.2.9. Whilst the site is zoned town centre, it is on the western edge of the zone and 500m from the town centre core (linear). Whilst I am not disputing the site's town centre location, I am of the view that public transport accessibility should be considered. In this respect I note that the site does not benefit from a high frequency public transport. There are various bus services available to the site that collectively provide up to five departures per hour during peak hours (6-9). However, this service frequency is very uneven, with some related services leaving within a couple of minutes of each other and then more significant intervals between departures, with waits of up to 35 minutes. Some services are very limited and only operate at specific times of the day, such as two services in the morning and evening peak only. Furthermore, some services, such as the twice hourly 726, serve Dublin Airport with limited stops and as such do not offer much in way of a commuter service. Outside of the weekday peak, services drop off to around three departures per hour and then two per hour at weekends. In public transport terms I would consider the site to be intermediate and not reflective of the level of public transport required to support such a high residential density of 195dph.
- 8.2.10. The overall intensity of development and the availability of public transport feed directly into the matter of parking provision. At the outset I would entirely agree with the Applicant that it appears that the Planning Authority are seeking to enforce the maximum parking levels for the site. I do not support this approach, which is contrary to national guidance that seeks to reduce parking levels on appropriate sites. However,

neither do I consider the site to be so well connected in terms of public transport that a parking ratio of 0.54 (69% reduction on maximum parking levels) would currently be justified, noting that this would equate to 35 new homes with no access to parking.

8.2.11. Both Limerick Road and John Devoy Road are double yellow lined and as such cannot be used for parking. Unauthorised parking on these streets would therefore be a matter of wider traffic/parking management for the Council although I agree that the loading bays on John Devoy Road would likely be used for car parking given the overall reduction in spaces. The residential streets opposite the site on the north side of Limerick Road, and the new residential areas to the south at the Devoy Quarter do not have any restrictions and no controlled parking zone is in place. At the time of my site inspection, which was during weekday business hours, I found these streets to be under significant parking pressure with many cars parked on the pavement due to the limited width of the streets, as well as cars parked over driveway entrances.

8.2.12. This matter was particularly acute in the residential area to the north where most dwellings have off-street parking/driveways, further limiting the availability of on-street parking and adding to the overall parking pressure that was evident. In these circumstances, whilst I would support a reduction in car parking provision for the development, I do not consider that the proposed reduction could be sustained without there being an impact on overspill parking that would impact existing residential amenity and result in haphazard parking to the detriment of road safety. I also consider that this would be further exacerbated by the lack of parking for the crèche and the lack of any consideration for drop off/collection at the site, noting the double yellow lines on the site frontage. Whilst I acknowledge the Applicant's view that the crèche would primarily serve the proposed development, thereby minimising journeys, the housing mix being proposed for the development would likely have a low child yield and as such a significant number of journeys being made to the crèche from the wider area cannot be ruled out. The Planning Authority's concerns regarding impacts from parking and drop off are reasonable in my view.

8.2.13. I note the Applicant's view that there isn't a risk of overspill parking and that measures could be employed such as a baseline survey to understand spare capacity, implementation of a local controlled parking zone, and prohibition of residents qualifying for future parking permits by way of a S.47 agreement. However, these

measures, particularly the baseline survey, would need to be investigated prior to applying for permission and should form part of the evidenced justification for such a reduced level of parking, rather than being conditioned.

- 8.2.14. Overall, I am not persuaded that the proposed density of 195dph, which is almost twice the upper range recommended in the Compact Settlement Guidelines, has been adequately justified by the site location or accessibility characteristics of the site. Although I consider the design, scale and massing to be appropriate to the urban context, the overall intensity of development would significantly exceed the density recommended and envisioned for a key town in the Guidelines. The reduced level of car parking, whilst consistent with the national approach to seek parking reductions on appropriate sites, is not supported by the public transport provision or the surrounding parking context of the location and would likely lead to haphazard overspill parking. I acknowledge the sustainable mobility measures proposed by the Applicant, including the car club bays, however this does not alter my opinion, having regard to public transport availability and parking, noting that car club provision is generally intended to complement public transport rather than compensate for it. As such, I am of the view that the proposal would represent an excessive density/intensity of development on this site and would not constitute the sustainable compact growth envisioned by national policy and guidance.

8.3. Surface Water Drainage

- 8.3.1. The Planning Authority's fourth reason for refusal relates to surface water drainage and Sustainable Urban Drainage Systems (SuDS). It is the view of the Planning Authority that the proposed discharge of surface water via an underground attenuation tank would be contrary to policy. It is noted in the Planner's Report that proposals for the site should explore more nature-based solutions and green infrastructural pieces such as swales, linked tree pits and rain gardens within the public realm area.
- 8.3.2. Objective IN O22 of the Kildare CDP requires the implementation of SuDS and other nature-based surface water drainage as an integral part of all new development proposals. Objective IN O24 states that underground retention solutions will only be considered when all other options have been exhausted and further states that underground tanks will not be permitted under public open space.

- 8.3.3. The Applicant argues that the surface water design utilises SuDS and that the green roof/green podium intercepts rainfall at source, with vegetated layers slowing down, treating and storing rainfall. The Applicant submits that, in conjunction with the green roof/podium, flow control and supplementary underground attenuation volumes are required to ensure greenfield rates are achieved. It is stated by the Applicant that further solutions could be secured by condition, such as a blue/green roof, noting that the Water Services Department raised no objection to the proposed development.
- 8.3.4. Whilst this is a large site, it is linear and has two road frontages that need to be addressed. I therefore consider that there would be limited opportunity to provide sufficiently scaled SuDS measures as indicated by the Planning Authority, such as swales and rain gardens, that would entirely negate the need for some form of tank attenuation. Having regard to the specific nature of the plot and its locational characteristics, I am of the view that the proposed drainage regime, including the underground attenuation, would be acceptable on balance, subject to conditions to secure greenfield rates. Having regard to the forgoing, I am of the view that reason for refusal 4 should be removed.

8.4. Design and Massing

- 8.4.1. The Planning Authority's fifth reason for refusal states that the proposal would be an overdevelopment of the site based on scale, bulk and massing, and that this would have a negative visual impact on this prominent corner site at the gateway to Naas.
- 8.4.2. The Applicant argues that the proposal is an appropriate response to its context having regard to the accessible location on a prominent junction, the zoning objective, design mitigation measures, and building performance. It is stated that Naas is undergoing a process of consolidation and intensification, and that the height and massing is a proportionate continuation of the town's evolution. The Applicant submits that the height, scale, and massing is supported by national policy/guidance, noting that corner sites have capacity to accommodate increased scale and articulation.
- 8.4.3. The Building Height Guidelines note that increased height has a role to play in delivering compact growth in urban areas, stating that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.

- 8.4.4. Prevailing height in the immediate area is generally two storeys, however there are several four storey buildings in the wider area, including the Council offices directly to the west/south-west and the new developments around the Devoy Quarter. The proposal would be five storeys on the Limerick Road frontage, stepping down to four storeys further along John Devoy Road. The site is on a prominent corner, at the western gateway to Naas and whilst it would certainly be the largest building in the immediate area, on balance I consider the overall height and massing to be acceptable. The street facing elevations are highly articulated, helping to break up the perceived mass. Despite the building being fairly generic in terms of its detailed design there is sufficient variation in materials and form to provide visual interest.
- 8.4.5. At street level there would be an appropriate level of activation through the retail units and a much improved street environment along John Devoy Road where there is currently no activity or animation on either side of the road. I note the concerns of the Planning Authority with regard to the removal of the wall and the lack of clarity regarding its re-use within the scheme. This is a standard materials issue that could be addressed by condition to provide clarity that the ground floor would be clad in salvaged stone from the wall.
- 8.4.6. In townscape terms, I consider the development to be broadly acceptable, albeit at the limit of the site's townscape capacity. I am satisfied that there would be no significant adverse visual impacts arising from the development. Consequently, I am of the view that reason for refusal 5 should be set aside.

8.5. Adequacy of Information

- 8.5.1. The Planning Authority's sixth reason for refusal relates to concerns regarding the adequacy of information submitted with the application. It is submitted that there is a lack of adequate detail in relation to access, parking, mobility management, road safety, crèche, landscaping, green infrastructure including arboriculture, Part V and Uisce Éireann infrastructure. The Applicant contends that sufficient information was provided with the application. I have addressed matters regarding parking, earlier in this report. I will address the remaining matters in turn.

Transport

- 8.5.2. I have addressed several of the transport related matters previously under Section 8.2., including accessibility and car parking. In terms of the matter of adequacy of

information, the Applicant submits that a Mobility Management Plan and Road Safety Audit can be secured by condition. Given the density, reduced parking, and public transport availability at the site, I am of the view that a Mobility Management Plan should have been provided as part of the application documents in order to provide a robust justification for the intensity of development and reduced parking at this site. However, should the Commission be minded to grant permission, I am satisfied that it could be secured by condition.

- 8.5.3. Likewise, I am of the opinion that a Road Safety Audit should ideally have been carried out on the proposed development, particularly given the potential conflict between the proposed loading bay/lay-by and cycle path on John Devoy Road and the potential impacts from the loading bay on the flow of traffic at the junction, given the proximity. Again, I consider that this could reasonably be addressed by way of Further Information or a condition in the event that permission is granted.

Crèche

- 8.5.4. The Planning Authority note that no operational details have been provided on the creche, including staff/children numbers. The Applicant considers that these details can be provided at compliance stage, once an operator has been secured. I have addressed the parking/transport related concerns relating to the crèche in earlier sections of the report. In terms of other general operational requirements, whilst I note that no substantive information has been submitted, I am satisfied that this could be addressed by a condition securing an Operational Management Plan.

Landscaping, Green Infrastructure, Arboricultural Assessment

- 8.5.5. The Planner's Report states that there are issues arising with regard to landscaping and green infrastructure, noting concerns regarding the potential loss of the existing tree on site and the need to consider the existing green infrastructure. Further concerns are raised regarding the lack of an Arboricultural Assessment.
- 8.5.6. The Applicant submits that the landscaping design is of a high quality, with well planted and attractive amenity space, streetscape design, and public realm. It is submitted that planting quantum and species will improve wildlife and pollination diversity and that irrigation will be fed by rainwater. The Applicant submits that one tree on site fell during a storm and that other trees do not have root systems that penetrate the site. The

Applicant states that existing trees will be protected during works and that an Arboricultural Impact Assessment could be secured by condition if required.

- 8.5.7. From my site inspection there appears to be one tree on the site, located immediately on the eastern boundary. This would require removal in order to facilitate development. Although I note that this is a mature tree, its location within the site, to the rear of buildings etc is such that it makes limited contribution to the wider setting. Although the loss of a mature tree would be regrettable, I have no objections to its removal in order to facilitate development of the site to provide new homes, and I consider that there would be ample opportunity for replanting, both within the podium garden and on the improved streetscape of John Devoy Road.
- 8.5.8. Overall, I consider the landscaping proposal to be satisfactory and although I do not consider it necessary to secure an Arboricultural Impact Assessment, I am of the opinion that standard tree protection measures conditions should be applied in the event that permission is granted.

Part V

- 8.5.9. The Planner's Report does not contain any substantive points regarding Part V or the Planning Authority's concerns on this matter. I note that the Housing Section recommended seeking Further Information regarding a list of the units to be transferred to the Planning Authority and the estimated costs, calculations, and methodology, in addition to recommending conditions. The Planning Authority did not act on the Further Information request given the substantive reasons for refusal.
- 8.5.10. The Applicant indicates that a Part V proposal was submitted to the Council in November 2025, providing for 20% of the units as Part V homes, but that no formal agreement was in place with the Council. I am fully in agreement with the Applicant that the matter of Part V provision can be appropriately addressed by way of condition in the event that the Commission grant permission.

Uisce Éireann

- 8.5.11. The Planning Authority draw attention to the response from Uisce Éireann that states there is insufficient information submitted with the Application. This relates to the presence of an existing 150mm foul sewer within the development site and the fact that Uisce Éireann do not permit build over of its assets, noting that the separation

distances in the Code of Practice would need to be achieved. To resolve this, Uisce Éireann require that the Applicant liaise with them regarding a diversion of the sewer or alternatively, that the development be amended to ensure that there would be no build over of Uisce Éireann assets and that the specified separation distances would be achieved.

- 8.5.12. The Applicant argues that the sewer, which only serves the vacant public house, would be removed as it would no longer be required. On this basis the Applicant argues that a diversion would not be required. The Applicant further asserts that the sewer is likely to be in private ownership, despite showing on Uisce Éireann's assets map.
- 8.5.13. In my opinion, whilst there are reasonable grounds to suspect the foul sewer line is in private ownership, as its only serves the existing building, this has not been definitively substantiated by the Applicant. Clearly Uisce Éireann believe the sewer line to be their asset. The Applicant has not provided any information to counter this other than stating that it is likely to be in private ownership. Although I note the view of the Applicant that the sewer would be removed and that a diversion would therefore not be required, this would not apply if the sewer line does in fact belong to Uisce Éireann.
- 8.5.14. I have considered whether this matter could be addressed by condition, however, in my view ownership of the asset needs to be confirmed in the first instance. As such, I recommend that the Commission seek Further Information on the matter should it be minded to grant permission.

9.0 AA Screening

- 9.1. I have considered the proposal in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located on a serviced site the built up area of Naas and is c. 7.8km from the Mouds Bog SAC (Site Code 002331), which is the nearest European site. The development comprises demolition of the existing public house and redevelopment to provide a residential led mixed use development rising to five storeys, as set out in Section 2.1 of this report. No appropriate assessment issues were raised as part of the appeal. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European site. The reason for this conclusion is as follows:

- The nature and scale of the works, the brownfield nature of the site and the availability of services.
- The significant separation distance from the nearest European site and lack of meaningful connections.
- The screening determination of the Planning Authority.

9.2. I conclude, on the basis of objective information, that the development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and development Act 2000) is not required.

10.0 Water Framework Directive

10.1. There are no water courses within the appeal site or immediately surrounding it. The Grand Canal is approximately 280m to the north-east and separated from the site by intervening urban lands. The proposed development comprises the demolition of the existing public house and redevelopment to provide a residential led mixed use development rising to five storeys. No water deterioration concerns were raised in the planning appeal. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

10.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows:

- The nature and scale of the works.
- The location of the site in a serviced urban area, the distance from the nearest water bodies, and the lack of direct hydrological connections.

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

11.0 Recommendation

11.1. I recommend that the Commission uphold the decision of Kildare County Council and refuse planning permission for the reason stated below.

12.0 Reasons and Considerations

12.1. The proposed residential density has not been sufficiently justified having regard to the locational characteristics and accessibility of the site, the nature of public transport service provision/frequency, and the proposed level of on-site car parking provision. The proposed development would therefore constitute an overly intensive form of development at this location and would be likely to result in overspill car parking on surrounding streets that would be injurious to residential amenity and would endanger public safety by reason of traffic hazard or obstruction of road users. The proposed development would therefore be contrary to the compact growth principles set out in the Sustainable Residential Development and Compact Settlements - Guidelines for Planning Authorities (2024), the provisions of the Kildare County Development Plan 2023-2029 and the Naas Local Area Plan 2021-2027 and would be contrary to the proper planning and sustainable development 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.

Terence McLellan
Senior Planning Inspector

2nd July 2026

Form 1 - EIA Pre-Screening

Case Reference	PL-501038-KE-26
Proposed Development Summary	Demolition of structure, construction of mixed use development, including 4 commercial units, creche and 76 residential units.
Development Address	Lands at Swan Dowlings Pub, Limerick Road, Naas, Co. Kildare.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10 (b) (i) >500 dwellings

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Form 2 - EIA Preliminary Examination

Case Reference	PL-501038-KE-26
Proposed Development Summary	Demolition of structure, construction of mixed use development, including 4 commercial units, creche and 76 residential units.
Development Address	Lands at Swan Dowlings Pub, Limerick Road, Naas, Co. Kildare.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposal is for a mixed use scheme including residential apartments in a built up area. The increased height and scale are not considered to result in significant environmental effects. Demolition works would be minor in scale and whilst some excavation would likely be required, this would not be significant in the context of the environment. Construction materials and activities would be typical for an urban residential development of this nature and scale. The use of fuels and materials would be typical for construction sites. Construction impacts would be local and temporary in nature and could be suitably managed through a Construction Environmental Management Plan. In terms of accidents, no significant risk is anticipated having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.
Location of development	

(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The area has a range of uses, with residential being predominant. The development would conform to the broadly residential nature of the locality and the commercial uses would correspond to the town centre zoning and the character of Limerick Road. There would be no significant impact on any protected areas, protected views, built or natural heritage or European Sites.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	All development has the potential for some impacts/disturbance during the construction phase such as noise, vibration, dust, air quality and traffic. However, these impacts would be short term and temporary and can be appropriately managed and mitigated by way of conditions and the implementation of a detailed Construction Environmental Management Plan. Given the nature of the development and the site/surroundings, it would not have the potential to significantly affect other significant environmental sensitivities in the area. It is noted that the site is not designated for the protection of the landscape or natural heritage and is not within an Architectural Conservation Area.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)