



An
Coimisiún
Pleanála

Inspector's Report

PL-501089-KE-26

Development

Construction of 99 dwellings with all associated site works

Location

Sallins Link Road, Osberstown, Sallins,
Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

2560849

Applicant(s)

Neville Homes Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party Normal Planning Appeal

Appellant(s)

Neville Homes Limited

Observer(s)

None

Date of Site Inspection

26th of May 2026

Inspector

Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 3.24 hectares (ha) and is located on the north-western side of Sallins town centre. The greenfield site is currently used for grazing and has an agricultural building in the south-eastern corner. To the north of the site is the Sallins Link Road with the Castlesize residential estate on the other side of the road. An Uisce Éireann pumping station is located at the north-eastern corner and the associated access road runs along the eastern site boundary. The Millbank residential development is on the opposite side of the access road to the east.
- 1.2. To the south, the site opens onto the Grand Canal Greenway and the adjoining site to the south is earmarked for a local park which has been approved under a Part 8 process. A small woodland adjoins the southern boundary of the site. To the west the site is bounded by open fields with the Sallins Link Road beyond them.
- 1.3. The topography of the site is relatively flat with some low-lying land to the north and near the Link Road. A drainage ditch and hedgerow traverse the northern section of the site and channels local surface water to a drain at the north of the site.

2.0 Proposed Development

- 2.1. Planning permission is sought for a residential development and creche on a greenfield site on the outskirts of Sallins. The development would include the following,
 - The construction of 99 no. residential units, 75 no. houses and 24 no. own-door duplex apartments.
 - The houses would comprise of a mix of 2 and 3-storey semi-detached and terraced dwellings comprising 63 no. 3-bedroom and 12 no. 4-bedroom units.
 - The duplex apartments are proposed in 4 no. 3-storey buildings which comprise 10 no. 1-bedroom, 12 no. 2-bedroom and 2 no. 3-bedroom units with associated balconies/terraces.
 - The single storey creche will extend to c.207m² with associated outdoor play area.

The development shall also include:

- Vehicular and pedestrian entrance from Sallins Link Road;
- Pedestrian link to Grand Canal Greenway;
- Internal access roads, homezones, footpaths and cycle lanes;
- Car parking (131 no. spaces), bicycle parking, bin storage and substations;
- Landscaped public open spaces, boundary treatments and entrance signage;
- Temporary construction access from Sallins Link Road;
- Demolition of agricultural shed;
- Drainage infrastructure and all associated site works and services.

Further Information Amendment

The layout of the development was significantly altered during further information.

The revised proposal still provided 99 residential units, but the mix had changed to,

- 62 no. houses with 47 no. 3-bedroom and 15 no. 4-bedroom,
- 37 no. own door apartments with 13 no. 1-bedroom ,16 no. 2-bedroom and 8 no. 3-bedroom.

The creche was reduced in size to 194m² and the internal layout of the units and public open space was altered.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority refused permission for reasons relating to flooding, green infrastructure and substandard layout. The reasons for refusal are set out in full below.

- 1. Having regard to recent flood events which have resulted in significant water logging/ponding in the northwestern part of the subject site, to published Office of Public Works flood risk data which identifies pluvial flooding on the subject site for the 1 in 10, 100 and 1000 year storm event, to the proposal to locate a creche and dwellings in an area subject to pluvial flooding, and to the Site Specific Flood*

Risk Assessment submitted with the planning application, the proposed development fails to pass the development management justification test as contained in Section 28 Ministerial Planning Systems and Flood Risk Management Guidelines for Planning Authorities (2009). The proposed development contravenes Kildare County Development Plan 2023-2029 Policy IN P5 which is to ensure the continued incorporation of Flood Risk Management and National Flood Risk Policy (2018) into the spatial planning of Kildare, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive and to promote a climate resilient County. A grant of permission would be premature, prejudicial to public health, set an undesirable precedent and would be contrary to the proper planning and sustainable development of the area.

- 2. Objective GI O1 of the Sallins Local Area Plan 2016-2022 seeks to deliver the green infrastructure strategy outlined on Map 6 through the integration of a network of natural habitat and biodiversity supporting spaces, parkland for passive and active recreational uses, heritage features, sustainable surface water and flood risk management measures. Furthermore, Objective GI O3 of the Local Area Plan seeks to ensure that the existing topography of the lands is incorporated into the design concept and layout with minimal variations to existing ground levels, in as far as is practicable, in development schemes. The proposed development fails to incorporate existing and identified medium value green infrastructure traversing the site, this failure is considered to be significant having regard to the site's proximity to the Grand Canal, the River Liffey and existing wetland area, and would therefore be contrary to objectives of the Sallins Local Area Plan 2016-2022, 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.*
- 3. The Applicant was requested in the Further Information request of 17/09/2026 to retain the open drain and hedgerow traversing the site in its open state as a natural feature and to integrate same into a revised design. The revised application has failed to retain and integrate the open drain into the development as requested. Notwithstanding the Applicant's intended compensatory planting along the western boundary, the proposed planting would not adequately compensate for the loss of green infrastructure on site nor the loss of a natural*

drainage system, with consequent negative impacts on biodiversity, natural ecosystems and the County's ability to adapt to changing climate scenarios. To permit the proposal would contravene Policy BI P7, Objective IN O21 and Objective BI O37 of the Kildare County Development Plan 2023-2029 and the Key Indicators of Quality Design and Placemaking as set out in Section 28 Ministerial Guidelines for Sustainable Residential Development and Compact Settlements regarding green and blue infrastructure, 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.

- 4. Having regard to the poor-quality interface between dwelling units, particularly Duplex Blocks C and D, and the adjoining public footpaths, resulting in inadequate passive surveillance; the removal of an existing drainage network and its associated flora and fauna; the excessive length of internal roads, which would facilitate higher vehicular speeds; and the insufficient provision of visitor car parking, it is considered that the proposed development would result in a substandard layout and design. In the absence of a coherent and rational approach to key indicators of quality design and placemaking, the proposal would be contrary to the principles of the Section 28 Ministerial Guidelines on Sustainable Residential Development in Urban Areas and the Compact Settlements Guidelines (2024). The proposed development would also materially contravene Policy UD O1 of the Kildare County Development Plan 2023–2029, which requires a high standard of urban design in all new development. Accordingly, the proposed development would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Report of the Planning Officer (PO)

The decision of the planning authority (PA) was informed by two reports from the planning officer (PO).

The first report was dated the 12th of September 2025 and included the following,

- The subject site is zoned objective C4 – New Residential in the Sallins Local Area Plan 2016-2022. Therefore, the development proposal is acceptable in principle.
- The layout of the development does not address the context of the site. The PO considers the juxtaposition of the duplex units adjacent to rear gardens of houses would result in overlooking and/or overshadowing. Public open space is not well considered or integrated into the scheme.
- An existing drain traversing the site has been ignored. This drain and hedgerow is identified in the Sallins LAP as having ‘Medium Value’ and should be retained in its natural state. (I note to the Commission that the Sallins LAP contains objectives to retain and protect hedgerows for their natural heritage properties such as biodiversity and ecology).
- The site layout represents a poor treatment of existing and future ecological and biodiversity on the site. The existing drainage ditch should be retained as a nature-based drainage system.
- The PO considered information to be lacking with regard to ecology, biodiversity, cultural heritage, Part V and roads. Further information (FI) was requested with regard to these matters.

The applicant responded to the FI request by submitting a revised site layout which removed the duplex units juxtaposed and organised the housing layout into two large cells instead of three. A larger area of open space was provided towards the centre of the site. The applicant examined retaining the hedgerow on the site but found it unachievable to balance this requirement with adequate density on the site. Additional open space and hedgerow was proposed along the western site boundary instead. Additional SuDS measures are also proposed.

The second report of the PO assessed the FI response and had the following comments,

- GI proposed for the site is unsatisfactory as it does not provide linear routes with internal connections to boundaries and the hinterland of the site. Given the location of the site, adjacent to the canal, the GI provision should be stronger.

- Notwithstanding the Applicant's intended provision of additional hedgerow to compensate for the loss of the open drain traversing the site, this feature should have been retained.
- A recent site inspection of the site 26/02/2026 has revealed that the northwestern corner of the site is susceptible to water logging/ponding following heavy and sustained rainfall. This area is low-lying and OPW CFRAMS data indicates there is pluvial flood risk on the subject site for the 1-in-10, 1 in 100 and 1 in 1000-year flood event. The baseline is now considered to be an area prone to flooding.
- Although the applicant's Flood Risk Assessment found no risk of pluvial flooding, the PO considers the north-western corner of the site to be vulnerable to flooding. When combined with the proposal to backfill the drain, the PO has serious concerns regarding flooding on the site.
- The proposal does not comply with DMURS with regard to the layout and length of internal roads, the location of car parking and lack of sufficient pedestrian and cyclist facilities.
- The PO considered that a fundamental reconsideration of the proposal for the site was required and recommended that permission was refused.

3.2.2. Other Technical Reports

- **Environment** – No objection.
- **Water Services** – No objection to the proposed development. Conditions recommended regarding SuDS.

(Note to the Commission - The report of the PO has a note that states - 'Revised Report' beside the report from Water Services. A query was sent to the PA regarding the note. The PA responded and confirmed that there is no additional report from Water Services. The applicant also requested this report but got no response).

- **Transport, Mobility and Open Spaces** – The first report recommended further information regarding EV provision, sight lines and a traffic assessment. The second report had no objection to the development. A Special Contribution of

300,000 for a new 5m wide footbridge over the canal to the west of the existing bridge on Main Street should be attached to a grant of permission.

- **Ecologist** – Further information requested regarding the quantum of hedgerow to be removed, retention of ecological connectivity, suitable areas for additional SuDS measures, proposals to increase biodiversity in the site.
- **Heritage, Biodiversity & Conservation Unit** – Archaeological investigations should be undertaken prior to work commencing. Further information recommended regarding the justification for hedgerow removal, the provision of ecological corridors, tree and hedgerow planting, biodiversity features, additional SuDS features and Biodiversity Nett Gain report.
- (Note to the Commission – There is no record of a second report from the Ecologist or the Heritage, Biodiversity & Conservation Unit on the FI response from the applicant. The grounds of appeal state that the applicant queried whether a report was prepared and did not receive a response from the PA).
- **Parks** – Further information required regarding the future management of the site, and drainage/SuDS design. The second report noted the revised layout under FI and a refusal was recommended based on the lack of assessment on the impact of the proposal on agricultural lands and impacts to hedgerows.
- **Building Control** – Further information required regarding areas to be Taken in Charge, EV charging, SuDS locations and public lighting.
- **National Roads Office** – No objection.
- **EHO** – No objection.
- **Fire Service** – No objection.
- **Strategic Projects and Public Realm** – No objection.

3.3. Prescribed Bodies

- **DAU** – The Department requested that archaeological investigations are carried out and a report submitted under further information. The second

report agreed with the FI submitted in the archaeological testing report and has no objection to the development.

- **Inland Fisheries Ireland** – The development is in the catchment of the River Liffey which is exceptional in supporting Atlantic Salmon and Brown trout. Best practice measures should be employed to prevent pollution from entering the water courses.
- **Waterways Ireland** – The planning boundary and proposed works encroach on a pNHA. Further information requested regarding the interface with the canal towpath and potential pedestrian/cyclist/vehicular conflict. There is no record on file of a second report following the submission of FI.
- **TII** – No objection.

3.4. **Third Party Observations**

One observation received which raised the following issues,

- Development of town centre and brownfield sites should be prioritised over greenfield sites.
- Existing services are at capacity.
- The character of the semi-rural village is being eroded with green spaces being depleted.
- Additional traffic congestion would reverse the benefits of recent infrastructure investment. (Sallins link road).
- Concerns raised regarding alleged ongoing issues in previous developments by the same developer.

4.0 **Planning History**

- No history of planning applications on the site.
- **316440-26** – RZLT – The Commission (Board at the time) set aside the determination of the PA as the zoning of these lands was under the Sallins Local Area Plan 2016-2022, and this plan has expired.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The **Kildare County Development Plan 2023-2029** is the operative plan for the subject site.
- 5.1.2. The site is also within the settlement boundary for the **Sallins Local Area Plan 2016-2022**. The LAP expired in 2022 and was not extended. Regarding LAP's, the Kildare County Council public website states that, Kildare County Council will have regard to the Sallins LAP 2016-2022 (among others) until such time as it is reviewed or another plan made.
- 5.1.3. At the time of writing Variation No. 6 of the Kildare County Development was on public display with submissions accepted until the 20th of May 2025.
- 5.1.4. The main policies/objectives that relate to the development proposal are set out below. This is not an exhaustive list and should not be read as such. Policies and objectives referenced in the reasons for refusal are denoted with an Asterix(*).
- 5.1.5. The Commission should consider inter alia the following:

Core and Settlement Strategy (Chapter 2):

- This chapter 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.
- Objective CS O4: Ensure that sufficient zoned and adequately serviced lands are available to meet the planned population and housing growth of settlements throughout the county in line with the Core Strategy and the Settlement Hierarchy.
- Objective CS O5: Promote compact growth and the renewal of towns and villages through the development of underutilised town centres and brownfield sites, and where appropriate, pursue through active land management measures a

coordinated planned approach to developing appropriately zoned lands at key locations, including regeneration areas, vacant sites and under-utilised areas in cooperation with state agencies, while also maintaining a 'live' baseline dataset to monitor the delivery of population growth on existing zoned and serviced lands to achieve the sustainable compact growth targets of 30% of all new housing within the existing urban footprint of settlements.

Housing (Chapter 3)

- Policy HO P5: Promote residential densities appropriate to its location and surrounding context.
- Objective 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.
- Policy 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.
- Objective 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.
- Policy HO P7: Encourage the establishment of sustainable residential communities by ensuring a wide variety of housing typologies and tenures is provided throughout the county.
- Objective HO O16: Promote the provision of high-quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood. Apartment development must be designed in accordance with the provisions of

Sections 15.2, 15.3 and 15.4 (Chapter 15), where relevant, to ensure a high standard of amenity for future residents.

Infrastructure & Environmental Services (Chapter 6)

Surface Water Objectives -

- IN 021: Facilitate the development of nature based Sustainable Urban Drainage Systems, including the retrofitting of SuDS in established urban areas. Culverting entire drains and streams will generally be prohibited; interference with natural drainage systems is to be minimised and the Council will explore opportunities to remove culverted drainage systems in favour of open, natural drainage systems.
- IN 022: Require 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 024: 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 025: Promote the use of green infrastructure (e.g., green roofs, green walls, planting, and green spaces) as natural water retention measures
- IN 026: 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.

Flood Risk Management -

- *Flooding Policy IN P5: Ensure the continued incorporation of Flood Risk Management and National Flood Risk Policy (2018) into the spatial planning of

Kildare, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive and to promote a climate resilient County.

- Objective IN 035: Require development proposals which may affect canals and their associated infrastructure to prepare a Flood Risk Assessment in accordance with the relevant guidance.

Biodiversity and Green Infrastructure (Chapter 12)

- *Policy BI P7 - Recognise and promote inland waters, natural environmental assets and to protect rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment.
- Objective BI O26 - Prevent, in the first instance, the removal of hedgerows to facilitate development. Where their removal is unavoidable, same must be clearly and satisfactorily demonstrated to the Planning Authority. In any event, removal shall be kept to an absolute minimum and there shall be a requirement for mitigation planting comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where possible linking to existing adjacent hedges. Ideally, native plants of a local provenance and origin should be used for any such planting. Removal of hedgerows and trees prior to submitting a planning application will be viewed negatively by the planning authority and may result in an outright refusal.
- *Objective BI O37 - Ensure the protection of rivers, streams and other watercourses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment. Endeavour to re-open previously culverted streams and watercourses through any future development/redevelopment proposals.
- Objective BI O30: Ensure a Tree Management Plan is provided to ensure that trees are adequately protected during development and incorporated into the design of new developments
- Policy BI P15: Promote and support the development of Sustainable Urban Drainage Systems (SuDS) to ensure surface water is drained in an environmentally friendly way by replicating natural systems.

Landscape, Recreation and Amenity (Chapter 13)

- Section 13.4.6 relates to The Grand and Royal Canal Corridors. It states, inter alia, the following: *‘The canal corridors and their adjacent lands have been landscaped and enhanced along the sections where the canals flow through urban areas and with the development of Greenways and Blueways. Canal locks are distinctive features of these water corridors. The smooth terrain, generally gentle landform and low canal bank grassland that characterise the canal corridors allow vistas over long distances without disruption, where the canal flows in a straight-line direction. Consequently, development can have a disproportionate visual impact along the water corridor, and it can prove difficult for the existing topography to visually absorb development. The occurrence of natural vegetation, coniferous and mixed plantations adjacent to the water corridors can have shielding and absorbing qualities in landscape terms, by providing natural visual barriers.’*

Urban Design, Placemaking and Regeneration (Chapter 14)

- Objective UD P1 - Apply the principles of people-centred urban design and healthy placemaking as an effective growth management tool to ensure the realisation of more sustainable, inclusive, and well-designed settlements resilient to the effects of climate change and adapted to meet the changing needs of growing populations including aging and disabled persons.
- *Objective UD 01 Require a high standard of urban design to be integrated into the design and layout all new development and ensure compliance with the principles of healthy placemaking by providing increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity, accessible to a range of local services and amenities.

Development Management (Chapter 15)

- The development management standards for residential development are set out in Chapter 15 of the Development plan.
- Section 15.2 relates to General Development Standards, while Sections 15.3 and 15.4 relate to Design Statements and Residential Development respectively.

- Section 15.6.5 Formal / Informal Play Spaces Formal play spaces are generally designed to facilitate children and teenagers play. They are usually located within an existing public park or amenity that is easily accessible from residential areas (e.g. 5-minute walk/400 metres). Developments shall provide 'scale appropriate' children's play in semi-private or public open spaces. through provision of a scale appropriate Natural Play Area. It is the Planning Authority's preference that an imaginative approach is adopted by developers to delivering play spaces. All play areas shall be natural play spaces with landscaping and natural features e.g. logs, mounding, boulders, and sensory planting, equipment with no moving parts. Play features should be centrally located so that they are accessible and supervised.

5.2. Sallins Local Area Plan 2016 – 2022

- 5.2.1. The Sallins Local Area Plan 2016-2022 was adopted by the Naas Municipal District of Kildare County Council on 9th March 2016. I note that this LAP expired in 2022. Kildare County Council's website states that the Council will have regard to the Sallins LAP 2016-2022 until such time as it is reviewed or another plan is made.
- 5.2.2. Part C of the Sallins LAP 2016-2022 relates to land-use zonings and objectives for specific sites in Sallins. Map 1 – Land Use Zoning Objective Map (Drawing No. 200/14/669) refers and identifies the Land Use Zoning Objectives, with the subject site identified as being zoned C4 – New Residential.
- 5.2.3. Zoning objective C – New Residential, seeks to provide for new residential development.
- 5.2.4. Specific objectives that relate to the 'C' zoning state that: - the phasing of lands shall accord with Section 8.1 Future Housing Target of the Sallins LAP and that, in accordance with the provisions of Section 49 of the Planning and Development Acts 2000-2015, a Special Development Contribution Scheme may be required for zonings A1, A2, A3, K1, C4, C5 and C6 to contribute to the strategic objective of delivering 3 no. pedestrian footbridges over the Grand Canal in accordance with Objective PCO 8.

Development Phasing - The Sallins LAP prioritised the development of key sites in Sallins town centre. Phase 1 lands were identified as A - Town Centre, K - Commercial/Residential and areas C1, C2 and C8 New Residential. Phase 2 lands included all remaining lands zoned C - New Residential.

The following objectives of the Sallins LAP were referenced in the PA's reasons for refusal.

- *Objective GIO1 - To deliver the green infrastructure strategy outlined on Map 6 through the integration of a network of natural habitat and biodiversity supporting spaces, parkland for passive and active recreational uses, heritage features, sustainable surface water and flood risk management measures.
- *Objective GIO3 - To ensure that the existing topography of the lands is incorporated into the design concept and layout with minimal variations to existing ground levels, in as far as is practicable, in development schemes.

Hedgerows on the site are identified as 'Hedgerows of Medium Value' on LAP Map 6 – Green Infrastructure.

The Sallins LAP expired in 2022 and was not incorporated into the Kildare County Development Plan 2023 – 2029. Objective CSO 9 of the Development Plan (Page 26) states the following: 'Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements (and environs, where appropriate) of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, Clane and Kilcullen in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines.'

Proposed Variation No. 6 – Sallins Settlement Plan

The Proposed Variation has been prepared to provide a Settlement Plan for Sallins to replace the Sallins Local Area Plan 2016-2022. At the time of writing, Variation No. 6 is on public display with the closing date for submissions on the 20th of May 2025.

Map Ref. V2B-90.1 – Land Use Zoning – shows two zoning objectives on the site. The north-wester corner of the site is zoned objective F – Open Space and Amenity with a pond shown in the centre of this area. The remainder of the site is shown as objective C – New Residential with a site reference of C(3).

Map Ref. V2B-6.1 – Green Infrastructure identifies the northern section of the site as 'Wetland' and existing hedgerows across and bounding the site are also identified.

Map Ref. V2B-9.1 – Surface Water Management Strategy identifies the northern section of the site as ‘Existing Surface Water Management feature (basin, pond, wetland)’. An open drain is also identified crossing the site.

5.3. Relevant National or Regional Policy / Ministerial Guidelines

5.3.1. National Planning Framework First Revision (2025) (NPF)

The NPF is the Government’s strategic plan for shaping the future growth of the country to the year 2040. The framework contains a set of ten National Strategic Outcomes (NSOs) which include ‘compact growth’, ‘sustainable mobility’, ‘transition to a carbon neutral and climate resilient society’ and ‘sustainable management of environmental resources’.

The first revision of the NPF was approved by Government in April 2025 and projects a population increase of an additional 1 million people in Ireland between 2022 and 2040. This would require a significant increase in housing needs, with the NPF anticipating an average of 50,000 new homes per year to 2040. An additional 470,000 people are anticipated for the Eastern and Midland Region between 2022 and 2040. Section 2.7 of the revised NPF states that an updated Implementation Roadmap will be published to translate national and regional planned growth projections to city and county levels.

- National Policy Objective 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.

5.3.2. National Biodiversity Action Plan (NBPA) 2023-2030

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

The NBDHA 2023-2030 builds upon the achievements of the previous Plan. It will continue to implement actions within the framework of five strategic objectives, while addressing new and emerging issues:

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

5.3.3. Water Framework Directive

The Water Framework Directive (WFD) Directive 2000/60/EC focuses on ensuring good qualitative and quantitative health, i.e., on reducing and removing pollution and on ensuring that there is enough water to support wildlife at the same time as human needs.

The key objectives of the WFD are set out in Article 4 of the Directive. It requires Member States to use their River Basin Management Plans (RBMPs) and Programmes of Measures (PoMs) to protect and, where necessary, restore water bodies to reach good status, and to prevent deterioration. Good status means both good chemical and good ecological status. It establishes a framework for the protection of all inland surface waters, transitional waters, coastal waters and groundwaters.

5.3.4. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

These Section 28 Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and support the application of densities that respond to settlement size and different contexts within each settlement type. In accordance with the principles contained in the NPF, the Guidelines seek to prioritise compact growth and a renewal of existing settlements. Section 3.3 of the Guidelines refers to Settlements, Area Types and Density Ranges. For each settlement tier it sets out,

- priorities for compact growth,

- areas common to settlements at each tier, and
- recommended density ranges for each area.

For each application it is necessary for the planning authority to identify,

- the most applicable settlement category based on the categories described in Section 3.34,
- the most applicable area type based on the area descriptions detailed in Section 3.3 (e.g. central, urban, suburban or edge- refer also Figure 3.1), and
- the recommended density range for that area.

Section 3.3.3 – Settlements, Area Types and Density Ranges

Under Section 3.3 of the Guidelines, the subject site is categorised as within a ‘Metropolitan Towns (>1,500 population) – Suburban / Urban Extension’. This area type is described as, *‘Suburban areas are the low density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8)’*.

- SPPR 1 – relates to separation distances between buildings and requires a minimum of 16 metres between opposing windows above ground level.
- SPPR 2 – sets out the minimum private open space standards for houses; 1 bed – 20sqm, 2 bed – 30sqm, 3 bed – 40sqm and 4bed + - 50sqm.
- SPPR 3 – relates to car parking standards. In city centres car parking should be minimised, substantially reduced or wholly eliminated. In accessible location (defined in Table 3.8) the maximum rate should be 1.5 car spaces per dwelling. In intermediate and peripheral locations (defined in Table 3.8) the maximum rate of car parking shall be 2 spaces per dwelling. (The subject site is categorised as a ‘peripheral location’).
- SPPR 4 – relates to cycle parking and storage facilities.

Policy and Objective 5.1 – Public Open Space - The requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations.

Design Standards for Apartments, Guidelines for Planning Authorities, (2025)

The guidelines, hereafter referred to as the Apartment Guidelines, provide quantitative and qualitative standards for apartment development across a range of thresholds depending on the number of units proposed and the site's context. It also sets out SPPRs to be adhered to across a range of parameters.

5.4. Natural Heritage Designations

- The site is not subject to any statutory designations.
- The southern portion of the site bounds the Grand Canal proposed Natural Heritage Area (pNHA)
- The closest NHA is Hodgestown Bog NHA – c. 10km to the north-west of the site.

The closest Natura 200 sites are –

- Mouds Bog SAC (IE0002331) – c. 8.4km overland to the south-west.
- Ballynafagh Bog (IE0000391) – c. 8km to the north-east.

6.0 EIA Screening

- 6.1. The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

The grounds of appeal respond to the reasons for refusal and are summarised below. The appeal documentation included a technical submission from the Consulting Engineers for the project and the project Ecologist.

Refusal Reason No. 1 – Flood Risk

- In the preamble to the appeal the applicant notes previous engagement the PA with regard to developing the site. This occurred through pre-application consultations for a Large Residential Development (LRD) and a submission during the public consultation for Variation No. 3 of the KCCDP.
- The north-western corner of the site is low-lying and was subject to disturbance during construction works in the early 2000's and as part of the Link Road. Soil infiltration characteristics on the site are generally poor and this area is subject to ponding during bad weather.
- Site investigations found that a drainage ditch on the southern side of the Sallins Link Road, and constructed as part of the road, is heavily overgrown. This ditch should drain westwards via a culvert under the road. The overgrowth is compromising the effectiveness of the drainage system and could contribute to the ponding in the low-lying area.
- There is no record of flooding on the subject site on either the Office of Public Works (OPW) website or the Geological Survey Ireland (GSI) website. The evidence submitted demonstrates that the conditions observed on site reflect localised drainage characteristics rather than an identified flood risk scenario within the meaning of the Guidelines. Therefore, the site is not subject to pluvial flooding.
- The proposed surface water management strategy will ensure that the development will not give rise to any increase in flood risk elsewhere and will

appropriately manage surface water within the site. This will also eliminate the existing unmanaged surface water ponding.

- The applicant submits that the Planning Authority has placed undue weight on localised ponding in applying the Justification Test for Development Management, and that this does not appropriately reflect the nature of the site conditions or the findings of the Site-Specific Flood Risk Assessment.

Refusal Reasons No. 2 & 3 – Natural Heritage / Green & Blue Infrastructure

- This refusal reason relates to the removal of a section of hedgerow (c. 85m) and a drainage ditch that traverses the site in an east-west direction.
- The applicant argues that the historic hedgerow arrangement, as shown on Map 6 of the LAP, has been significantly altered by the construction of the Sallins Link Road. The removal of hedgerows within the site will be compensated by the provision of 225m of new hedgerow along the western boundary and The remaining hedgerow on the site The subject proposal will seek to strengthen weaker sections of the existing hedgerow along the eastern site boundary, which is also designated as a hedgerow of 'Medium Value' in the LAP.
- The existing remnant hedgerow traversing the site was found to have low ecological value and the drain at the same location is a mad-made feature that has already been culverted as part of the Sallins Link Road works.
- It is submitted in the appeal that the retention of the section of remnant hedgerow and ditch offers no significant benefit to biodiversity or sustainable drainage. The proposal provides for significant biodiversity enhancement measures and a sustainable surface water strategy.
- From a design and land-use perspective, retaining the ditch would impose unnecessary constraints on the efficient layout of the development, without delivering any corresponding drainage or operational benefit.

Refusal Reason No. 4 – Urban Design / Site Layout

- Regarding the public realm interface between Blocks C and D, which was raised as a specific issue, the applicant argues that the overall arrangement provides good

passive surveillance and has a positive relationship with the surrounding streets and open spaces.

- Blocks C and D are similar in layout to Blocks A and B with all units generously sized and provided with south-facing private open spaces. The applicant contends that the typology and layout of the blocks is in accordance with the Compact Settlements Guidelines.
- Regarding the PA's concerns about roads and car parking, the applicant states that all streets have been designed in accordance with DMURS. The western access road is designed to be a Homezone which would naturally reduce traffic speeds. Should it be considered necessary, the applicant states that the western Homezone can be adapted to incorporate a priority junction at the mid-way point, or to introduce chicanes without materially altering the layout.
- The ground of appeal disagrees with the PA's assertion that the streetscapes would be dominated with huge swathes of car parking and this could be mitigated by the inclusion of on-street parallel car parking and increased levels of visitor parking. The appeal notes that Section 4.4.9 of DMURS recommends parallel parking for arterial and link streets while perpendicular or angled parking is appropriate for local streets. Therefore, perpendicular parking is acceptable.
- Car parking standards in the KCCDP would equate to the provision of 15 visitor spaces for the duplex units. The proposal includes 20 visitor spaces, which was not raised as an issue during FI.
- The applicant notes that refusal reason no. 4 states that the proposal would materially contravene Policy UD 01 of the Kildare County Development Plan 2023–2029, which requires a high standard of urban design in all new development. It is submitted that the proposal has demonstrated compliance with the urban design principles contained in the Section 28 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, including principles relating to compact and permeable neighbourhoods, high quality pedestrian and cyclist connectivity and access to local services and amenities, as required under Objective UD 01 of the KCCDP. It is therefore submitted that the allegation of material contravention cannot be sustained.

7.2. Planning Authority Response

A response was received from the Planning Authority (PA).

- The response notes that the subject proposal was assessed on its merits and without prejudice to previous pre-application consultations for a proposed LRD. The LRD proposal did not progress to application stage, and the subject proposal represents a different site layout and development proposal.
- The subject proposal was not deemed to be acceptable for the reasons outlined in the Planners Report. While the internal reports are of assistance in the assessment of planning applications, the Planning Section / Planners are permitted to come to a different conclusion to internal departments when it comes to the overall assessment of planning applications and in the interest of proper planning and sustainable development.

7.3. Observations

- No observations received.

8.0 Assessment

8.1. The planning assessment will address the issues raised in the appeal under the following headings,

- Principle of Development
- Flooding & Drainage
- Design & Layout
- Biodiversity & Green Infrastructure

8.2. Principle of Development

- 8.2.1. The subject site is located within the settlement boundary of Sallins which is identified as a 'Town' in the County Settlement Strategy. Table 2.8 of the Kildare County Development Plan (KCDP) sets a Target Residential Density of 35-50 units per hectare (uph) for development in Sallins. The site is also within the boundary of the Sallins Local Area Plan (LAP) 2016-2022, which has now expired. The LAP was not extended and was not formally integrated into the Development Plan, either through variation or the preparation of a separate settlement plan for the town.
- 8.2.2. Objective CS 09 of the KCDP seeks to 'Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements, including Sallins, in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines. A footnote to this objective states, *'Where any objectives of an LAP are deemed to be no longer wholly consistent with the County Development Plan, the Planning Authority, will, where practical, consider options regarding the initiation of a review and/or prepare a statutory amendment to the LAP'*.
- 8.2.3. A note on the website of the PA states that Kildare County Council will have regard to the Sallins Local Area Plan until such time as it is reviewed or another plan made. At the time of writing Variation No. 6 of the KCDP is on public display. This Proposed Variation includes a Draft Settlement Plan for Sallins to replace the Sallins LAP 2016-2022.
- 8.2.4. Within the Sallins LAP, the site is zoned objective 'C4' – New Residential. A creche/playschool is listed as 'permitted in Principle' in the New Residential zoning objective. I note to the Commission that the Draft Sallins Settlement Plan in Variation No. 6 proposed to change the zoning objective of the subject site. It is proposed to rezone a northern section of the site from *C – New Residential* to objective *'F – Open Space and Amenity'* with a pond or wetland area within the open space. Objective *'C – New Residential'* would apply to the rest of the site. Land directly adjoining the site to the west would also be rezoned from the previous LAP objective *'I – Agriculture'* to objective *'E – Community and Education'*. Table 2.4 of the Draft Settlement Plan has an estimated residential development capacity of 75 no. residential units for the subject site (Site C3) with a net density of 40 uph.
- 8.2.5. Although the LAP has expired and a new Settlement Plan has yet to be approved for the area, I am satisfied that the proposed development can be assessed on its merits, and

against the policies and objectives of the KCDP. Historically the site has been zoned for development and the Draft Settlement Plan for Sallins proposed to carry forward the residential zoning objective for the site. For this reason, I am satisfied that the principle of development is acceptable for the site.

8.3. Flooding & Drainage

- 8.3.1. In the first reason for refusal, the PA considered the development to be in an area that is subject to pluvial flooding, and which failed the development management Justification Test as contained in the Section 28 Ministerial *Planning Systems and Flood Risk Management Guidelines for Planning Authorities (2009)*, (hereinafter the Flood Risk Guidelines).
- 8.3.2. The application was accompanied with a Site-Specific Flood Risk Assessment (SSFRA), which found that the site was not at risk from tidal, fluvial or pluvial flooding. Issues relating to flooding did not form part of the PA's FI request and the report of the Water Services Department contained no objection to the development. The SSFRA considered the potential impact from pluvial flooding for both on-site and off-site water sources. The risk of flooding from on-site sources was deemed to be sufficiently low and therefore, acceptable due to the proposed surface water management system. Regarding off-site water, the SSFRA states that no evidence was found of any surface water flooding off site that would be likely to have an impact on the development site. Mitigation measures outlined in the SSFRA state that buildings would be designed to ensure that the finished ground floor levels will be set at a level to avoid any potential surface water runoff from the higher existing finished ground levels on the site and to ensure that the routing of surface water runoff will generally remain unaltered.
- 8.3.3. Notwithstanding the findings of the SSFRA, both the report of the PO and the reason for refusal, state that OPW CFRAMS data identifies a pluvial flood risk on the site for the 1 in 10, 1 in 100 and 1 in 1000-year flood event. This is refuted in the grounds of appeal which includes a technical response from the consulting engineers. The technical report for the appeal acknowledged that the north-western area of the site is within a low-lying area and notes the presence of a drainage ditch along the southern side of the Sallins Link Road which was constructed as part of the road. The ditch collects runoff from the southern road embankment and falls westwards to a culvert beneath the Link Road. This runoff

discharges to a ditch on the northern side of the road which, in turn, outfalls to the River Liffey. The consulting engineers carried out a site inspection and found that the drainage ditch on the southern side of the Link Road, along with the area around the culvert headwall is heavily overgrown. They submit that this overgrowth compromises the effectiveness of the drainage system, which may contribute to ponding in the low-lying areas of the subject site. The appeal argues that the site is not within an area identified as a pluvial flood risk and the response also contains extracts from the GSI Groundwater and Surface Water Flooding Map (Figure 1.2 of the technical response) and the OPW Eastern CFRAM Flood Map (Figure 1.3 of the response) to demonstrate this.

- 8.3.4. Regarding the requirement for a Justification Test, the SFRA of the Development Plan states that, *'An appropriately detailed FRA should support all development proposals taking place in areas that KCC have applied a Justification Test, where a residual flood risk remains'*. Proposed development should ensure that no encroachment onto, or loss of flood plain occurs. For any development in flood risk areas that meet the Development Plan Justification Test, a Development Management Justification Test must then be applied. Table 7.1 of the SFRA states that a Justification Test is required for development in Flood Zone A or B on lands zoned objective C – New Residential. The SFRA identifies areas of flood risk in the smaller settlements across the county. Larger towns within the County are subject to their own Local Area Plans (LAPs) and SFRAs.
- 8.3.5. The Sallins LAP 2016-2022 was subject to a Strategic Flood Risk Assessment (SFRA) which recommended that development proposals for specific areas within the Plan boundary should be the subject of site-specific flood risk assessment. Map 3 of the LAP includes these areas and includes the north-western section of the site. As the baseline map is from 2016, it does not include the Sallins Link Road which is now constructed and traverses an area shown to be subject to an SSFRA.
- 8.3.6. A further SFRA was carried out for Proposed Variation No. 6 of the Development Plan – Sallins Settlement Plan (under preparation at the time of writing). Maps prepared for the SFRA do not show the site within Flood Zone A or B for fluvial or groundwater flooding. Pluvial flooding for the area is addressed in the Surface Water Management Strategy (SWMS) for Proposed Variation No. 6. Figure 2.3 of the SWMS maps the topography for the area and shows the northwestern corner of the subject site in the lowest lying lands. The relevant sub catchment for the site is identified as Sub catchment No. 6. Surface

water flows for the site are shown in Figure 3.1 of the SWMS, which indicates that surface water flows in a north-west direction, towards the low-lying land in the corner of the site. (I note that Drawing No. D2023-MAL-00-XX-DR-C-0320 – Flow Route Analysis, submitted with the application shows the same existing flow routes across the site and shows the modified flow routes discharging to the existing land drain to the north of the site). The SuDS Concept Masterplan for the area is contained in Appendix A of the SWMS. In relation to the subject site, the strategy indicates ‘open drainage’ crossing the site and following the route of the existing hedgerow, and an ‘Existing Surface Water Management Feature’ in the low-lying land on the northwest corner of the site.

8.3.7. I have reviewed all available flood documentation that relates to the subject site, including GSI & OPW maps, the SFRA for the Sallins LAP 2016-2022 and the SFRA and the SWMS for Proposed Variation No. 6 – Sallins Settlement Plan. None of the maps or supporting information indicate that the site is within Flood Zone A or B for fluvial, groundwater or pluvial flooding. It is possible that the PA have access to more detailed maps that relate to pluvial flooding, but I have not been able to locate them on the public-facing websites.

8.3.8. The PA considered that the proposal failed to pass the development management justification test as contained in the Flood Risk Management Guidelines. The SFRA for the Kildare County Development Plan states that, as per the Flood Risk Guidelines, the Justification Test is used to assess the appropriateness of developments in flood risk areas. The Development Management Justification Test is used at the planning application stage where it is intended to develop land at moderate or high risk of flooding for uses or development vulnerable to flooding that would generally be inappropriate for that land. The SSFRA for the development noted that the site is not within Flood Zone A (1 in 100 AEP event) or Flood Zone B (1 in 1000 AEP event) for fluvial flooding. No record of groundwater flooding was found within the development site or in proximity of the site in the Geological Survey of Ireland Groundwater Flooding Data. The potential for pluvial flooding was also considered. It was noted that there is no record of any pluvial flooding within the development site or within proximity of the site. Sources of pluvial flood risk and related stormwater impacts were assessed in terms of on-site surface water and off-site surface water. The results found that there is no unacceptable risk from pluvial sources. Pluvial flooding was also addressed in the technical response in the grounds of appeal which contained extracts of the GSI Groundwater and Surface Water Flooding Map and the OPW Eastern CFRAM Flood Mapping. The subject site was not included in any

historic or predicative maps for groundwater, surface water/pluvial or fluvial flooding. As the site is not within a flood risk area, (Flood Zone A or B), as per GSI, OPW and Development Plan maps, a Justification Test is not required for the development.

- 8.3.9. I carried out a site inspection on the 26th of May 2026. During the inspection, I observed an area of shallow water in the north-western corner of the site. A drain along the northern site boundary and to the south of the Link Road was visible but overgrown. The date of the site inspection was preceded by a period of 4-5 days of hot, dry weather and it was evident that the area under water had significantly decreased in size. Whilst the site is not mapped as within Flood Zone A or B, the area in the north-western part of the site, and the adjoining site, experiences ongoing ponding or pooling of surface water. During site investigations for the development, two boreholes were sunk to a depth of 8.8m and 8.9m respectively. One of the boreholes was dry and the other struck groundwater at a depth of 4.3m (rising to 4.1m). Soils on the site were also found to have low permeability. Given the site characteristics, topography and surface water flows, it is reasonable to conclude that this area acts as a natural surface water attenuation area. The applicant argues that the water on the site is due to localised ponding and is not indicative of flood risk. They also submit that the Link Road drain to the north of the site is overgrown and not functioning efficiently, which would contribute to the pooling of water in the low-lying area. I consider this to be a reasonable conclusion, especially as the localised topography of the area would have been altered through the construction of the Link Road. The applicant submits that the surface water management strategy for the site will appropriately manage surface water on the site and will not give rise to an increase in surface water elsewhere.
- 8.3.10. The surface water drainage strategy for the site is outlined in the Engineering Report for the development. The report states that the strategy was designed in accordance with the requirements of the Sustainable Drainage Systems (SuDS) Guidance Document published by Kildare County Council, the Kildare County Development Plan, the Greater Dublin Strategic Drainage Study (GDSDS) and CIRIA C735 - The SuDS Manual. Surface water for the development would be intercepted through the implementation of bio-retention features in the southern catchment of the site, detention basins in the northern section, and tree pits, permeable paving, filter drains and swales throughout. I note that the revised layout submitted through FI includes a detention basin of 232m² in the north-west corner of the site, which was not initially proposed. Detention basins are also provided along the eastern site boundary.

- 8.3.11. Existing surface water flows on the site show water from the southern section of the site draining towards the drainage ditch. Water from the northern section of the site drains towards the low-lying area. Information submitted with the FI response notes that the proposed development will require an overall attenuation storage volume of 855m³ of which 407m³ will be accommodated within open spaces in for the form of detention basins and bio retention systems, and 448m³ will be accommodated within the car parking permeable paving subbase and within the bioretention area drainage layer. Filter drains and tree pits were not included in the attenuation storage calculations. The system has also been designed to apply a greenfield discharge rate (4.17l/s/ha for up to the 1% AEP storm event (1 in 100 event)). This is to ensure no flooding occurs onsite or increases to flood risk off-site in the 1% AEP storm event. Finished floor levels would be at a minimum of 500mm above the maximum water level in the surface water storage system. In the event of a surface water system failure or a system blockage exceedance flow will initially be managed in the “flatter” open spaces, however given the finished ground site levels the flows will ultimately be directed towards the area of the proposed detention basin to the northeast of the site.
- 8.3.12. I have reviewed the information at hand and all publicly available information on OPW and GSI websites and, I am satisfied that, based on the information available, the site is not within Flood Zone A or Flood Zone B. Although the development proposed would be categorised as ‘vulnerable’ in the Flood Risk Guidelines, both the creche and residential uses are listed as appropriate for Flood Zone C. Therefore, a Justification Test is not required. Whilst the site is not within a flood zone, evidence shows that the low-lying area of the site acts as a natural detention area for surface water flows from the surrounding area to the east. The drainage ditch traversing the site also drains the land to the south of the site. The applicant is satisfied that the proposed surface water management strategy for the site would be sufficient to manage surface water flows within the site, with discharge of surface water limited to greenfield rates. Based on the foregoing, I am satisfied that the surface water management strategy for the site has been designed to consider existing site conditions and surface water flows and to accommodate the additional demand from the proposal. However, the proposal would involve backfilling an existing drainage ditch and implementing engineered drainage solutions, which is not supported by the KCDP. Objective IN O20 seeks to ‘*Maintain, protect and enhance capacity of the existing surface water drainage systems in the county*’. Objective IN O21

states that ‘...*Culverting entire drains and streams will generally be prohibited; interference with natural drainage systems is to be minimised...*’

- 8.3.13. Although the Water Services Department did not object to the original surface water management plan, (apart from a concern regarding the provision of SuDS measures in private areas), the report of the PO objected to the removal of the natural drainage feature on the site and considered it to be contrary to Development Plan objectives IN O21 and BI P7 which relates to biodiversity. I note the implementation of SuDS within the drainage strategy for the site and whilst the engineering solutions for surface water would work, they do not accord with the objectives of the Development Plan in relation to surface water drainage, which favours the use of existing drainage systems. Although the applicant put forward their reasons for backfilling the drainage ditch, alternative options for integrating it into the strategy for the site were not fully outlined, which would have been advantageous considering the proposed drainage would use the same drainage route as the existing drain on the site. In the absence of appropriate justification for the removal of the existing drainage ditch, I consider the proposal to be contrary to the Development Plan objective IN O21 which states that culverting entire drains will be prohibited.

8.4. Design and Layout

- 8.4.1. The design and layout of the proposed development was significantly altered through FI. The revised layout comprises a creche and two, three-storey duplex blocks to the north of the site adjacent to the Link Road. Houses would be centrally positioned in two perimeter blocks within the site with two, three-storey duplex blocks along the southern boundary. Access routes through the site are arranged along the eastern and western site boundaries with the vehicular access from the Link Road along the eastern boundary. A pedestrian and cycle route would also be provided from the Link Road through the development to the Grand Canal at the south of the site. A ‘Homezone’ route is proposed along the western site of the site. The main area of public open space would be positioned along the eastern portion of the site and on the opposite side of the access road to the houses. Two other pockets of open space are shown in the north-western and south-eastern corners of the site, beside the creche and the Grand Canal access route respectively. The area of open space in the north-western corner includes a detention basin which was requested by the PA.

- 8.4.2. I note that the quality of the units in terms of development management standards was not raised as an issue by the PA or third parties. I have reviewed the plans and particulars, and I am satisfied that all units will meet the Development Plan standards for houses and apartments as per Section 15.4.5 of the KCDP. The apartments are also in accordance with Appendix 1 of the Apartment Design Guidelines (2025). The development would have a density of 35 units per hectare (net). This is in accordance with Table 3.1 of the KCDP where a density range of 30-50 uph is recommended for an Outer Suburban/Greenfield site. A density range of 30-50 uph is also recommended for development in a 'Key Town/Large Town' in the Compact Settlements Guidelines (CSGs).
- 8.4.3. A stated area of 5,300m² public open space would be delivered in the development. This would equate to c. 18% of the site area, which is more than the 15% required in Section 15.6.6 of the KCDP and more than the 10% requirement in the CSGs. General design considerations outlined in the KCDP for public open space recommend that open spaces are overlooked by as many houses as possible, natural features (hedgerows, trees and wetlands sites) should be retained, protected and incorporated into the space, and that SuDS are generally not acceptable as a form of public open space provision.
- 8.4.4. In their reasons for refusal, the PA considered the design and layout of the development to be unacceptable. Reference was made to the interface between Blocks C and D, the lack of public surveillance on the adjoining public realm, the excessive length of internal roads and the insufficient provision of visitor car parking as elements that were unsatisfactory. The removal of the existing hedgerow and drainage ditch was also criticised and forms a central issue in the reasons for refusal as it relates to biodiversity, ecology and drainage, which are addressed separately in this report. In response, the grounds of appeal state that Blocks C and D are dual aspect with frontage to the North and South together with specific gable treatments to provide full perimeter frontage. All units have own door access. The ground floor units are accessed from the north, and the upper floor units are accessed from the south. The applicant argues that the blocks provide passive surveillance to the surrounding public areas on all sides, including the street to the north and the access to the canal Greenway. They note that all streets have been designed in accordance with DMURS, with traffic calmed Homezone areas along the western boundary. The applicant also notes that additional traffic calming can be provided in the form of a priority junction at the midway point or additional chicanes along the road should the Commission deem it necessary.

- 8.4.5. I do not share the concerns of the PA as they relate to Blocks C and D. Own door access is provided to the units on both the northern and southern elevations and private open space for the ground floor units would also be provided to the north and south of both blocks. Boundary treatment to the ground floor terraces would comprise low-level metal railing of 0.9m in height with planting. This would help to animate the public realm and would also provide visual interest. First floor terraces would also be located on the southern elevation to maximise the solar gain. Residential units on the eastern section of each block would be orientated to face onto the public footpaths. Ground floor units would have own door access from the footpath, and first-floor units would have corner windows facing onto the public realm with a south-facing terrace. This layout is replicated in Blocks A and B to the north of the site. Corner housing units have also been designed and orientated to avoid gable walls facing onto public footpaths and areas. In terms of passive surveillance of public spaces, I consider the layout to be acceptable. Furthermore, I note that the existing gap in the hedge to the adjoining site will be retained and planted with groundcover. This will allow for a visual connection between the development and the new park and playground to be delivered on the adjoining site to the south.
- 8.4.6. Whilst the road on the western side of the development has been designed as a Homezone, I agree with the PA that the length and design of the straight road could lead to increased speed or driver behaviour that would be uncharacteristic to a shared surface area. This road requires additional design and traffic calming measures to ensure it functions as intended. The applicant states that additional traffic calming measures can be provided such as chicanes and priority junctions. However, it is unclear as to how this can be integrated into the design to provide a well-considered space without altering the layout or moving some units. I note that the Road Safety Audit (Stage 1 & 2) identified two issues relating to the Homezone area (potential pedestrian conflict with reversing cars and signage) that require resolution through detailed design. The grounds of appeal state that that 20 visitor car parking spaces would be provided for the development. The Engineering Report submitted at FI states that the development will provide 25 visitor spaces. A drawing was not provided that shows the exact number and location of the visitor spaces. Details notwithstanding, the PA considered the provision to be too low. However, Development Plan standards allow for visitor car parking of 0.5 spaces per duplex unit and 0.5 spaces per 4-bedroom house. This equates to 15 visitor spaces, which the development has provided.

- 8.4.7. I acknowledge the concerns of the PA regarding the extent of perpendicular parking to the front of the duplex units, which extends to the full length of the internal road to the north and south. The landscaping plan shows tree planting at intervals between the spaces, which would soften the overall appearance. However, the provision of planting along the internal roads is minimal with the tree planting shown as the only 'greening' of the internal roads on an east-west axis.
- 8.4.8. As noted previously, the public open space for the development is mainly provided along the eastern site boundary with additional pockets in corners to the north and south. This allows for the delivery of a cycle and pedestrian connection through the site from the Link Road to the north to the Grand Canal Greenway at the southern end of the site. Whilst the quantum of open space provided (5,300m²) is above the required 15% of the site area, I am not satisfied that the distribution of the open space would help to provide a good quality environment in terms of placemaking. Section 15.5.6 of the KCDP recommends that public open spaces are functionally accessible to the maximum number of dwellings in the area and that the open space should be overlooked by as many dwellings as possible. A hierarchy of spaces is also recommended for larger sites.
- 8.4.9. The arrangement of open space throughout the site evolved from pre-planning consultations with the PA who considered previous layouts to have 'fragmented' open space. In the FI request the PA raised ongoing concerns regarding the quality of open space and the lack of integration of open space within the development. The applicant was also requested to incorporate the existing hedgerow and drainage ditch into the design and to provide a SuDS feature in the north-western corner. Apart from the lack of green infrastructure (GI) connections, the report of the PO had no specific objection to the revised public open space layout. However, I consider it lacking in terms of providing a positive contribution to the sense of place / urban design in the development.
- 8.4.10. The main POS would be overlooked by the crescent of houses facing onto it. However, the remaining units behind these houses have little connection to either the main area of open space or the secondary areas in the corners. Units facing west onto the Homezone street have some connection to passive space in the form of the proposed hedgerow, swale and planting along the western site boundary. However, units facing north and south onto the internal streets have very little connection to public open spaces and planting on the internal streets is minimal. The landscaping plan shows intermittent tree

planting on these streets, but the prevailing character is of hard landscaping. Secondary spaces are provided in the north-western and south-eastern corners but due to their location, they do not enhance connections from the residential units to the open space. The overall layout does not provide a coherent hierarchy of public open space, which would be expected for a site of this size. Whilst the houses facing onto the central open space have good access and visual connections to the open space, the remaining units are lacking in physical and visual connections. I note that the applicant was requested to provide a SuDS drainage measure in the north-western corner of the site and in response, a detention basin is proposed. The location and design of this area miss an opportunity to provide an additional area of public open space that properly integrates with the residential units. However, I accept that to do this the layout of the northern section of the site would require significant alterations.

8.4.11. On balance, I consider the overall layout of the site to be lacking in terms of its internal access routes and public open space. I note the PA's objection to the removal of the hedgerow and ditch, which they requested to be retained in the layout. This will be addressed in the section below. However, in terms of the site layout as presented, the western access road/Homezone is excessive in length and requires additional design to reinforce its function as a Homezone and shared area. The provision of public open space within the site is unbalanced and lacks a hierarchy of spaces and equitable distribution through the site. This provides a very poor connection to green areas/open space for many of the units, which impacts on the urban design and sense of place in the development. For these reasons, I consider the development to be contrary to the provisions of Section 15.5.6 of the KCDP and with

8.4.12. I note that the plans do not show any dedicated communal open space for the duplex units to the north and south. This was not raised as an issue by the PA, and the Apartment Guidelines allow for circumstances where the provision of communal open space can be relaxed, (i.e. on sites of up to 0.25ha, infill and refurbishment sites). Whilst the site does not technically qualify for circumstances where the standards for communal space can be relaxed, the overall quantum on POS is noted, as well as the provisions for play in the space.

Material Contravention

- 8.4.13. In the reasons for refusal, the PA considered that the proposed development would result in a substandard layout and design, and that the proposed development would materially contravene Policy UD O1 of the Kildare County Development Plan 2023–2029, which requires a high standard of urban design in all new development.
- 8.4.14. I did not find Policy UD 01 in the KCDP but Objective UD O1 states that it is an objective of the Council to, *Require a high standard of urban design to be integrated into the design and layout all new development and ensure compliance with the principles of healthy placemaking by providing increased opportunities for physical activities, social interaction and active travel, through the development of compact, permeable neighbourhoods which feature high-quality pedestrian and cyclist connectivity, accessible to a range of local services and amenities.*
- 8.4.15. The grounds of appeal submitted an Urban Design Response that addresses the issues raised in the refusal reason and which are also listed in objective UD O1. In terms of the principles of healthy placemaking, the applicant has demonstrated that the development can provide opportunities for physical activities in the public open space and through the pedestrian and cyclist connections to the Greenway to the south of the site and to Sallins Link Road to the north. The site is also accessible to a range of local services and can provide appropriate density. Whilst the proposal can deliver the principles listed in the objective, the text of the objective is somewhat subjective as it does not specify how a high standard of urban design can be measured. In the absence of such metrics, I consider the intent of the objective to be aspirational. Therefore, whilst the PA may decide that the development contravenes Objective UN O1 as the overall standard of the urban design is not of a sufficiently 'high' level. As the wording of the objective is aspirational and general in nature, I do not consider the objective to be materially contravened. Should the Commission grant permission for the development, I do not consider it necessary to engage with the provisions of Section 37(2)(a) of the Planning and Development Act 2000 (as amended).

8.5. Biodiversity & Green Infrastructure

- 8.5.1. Refusal reasons No. 2 and 3 relate to the removal of green infrastructure on the site. The proposal involves removing a ditch and drain traversing the site which is identified as

having 'Medium Value' in Map 6 of the LAP. The applicant was requested to retain the hedge and ditch under FI and did not do so as it would impose unnecessary restraints on the efficient layout of the development and would reduce the density on the site. The PA considered that the removal of the drainage ditch and hedgerow would be contrary to objectives GI O1 and GI O3 of the Sallins LAP 2016-2022 which seek to deliver the GI in Map 6 and to ensure that the existing topography of the lands is incorporated into the design concept and layout. Objectives BI P7 and BI O37 of the KCDP were also referenced in the reasons for refusal. These objectives relate to the retention of existing watercourses in their natural state while recognising their value as habitats for fauna and flora.

8.5.2. The PA took the view that the removal of the hedgerow and drainage ditch would impact on drainage, biodiversity and natural ecosystems. The impact on drainage has been addressed in Section 8.3 above. The impact of the proposal on biodiversity was considered in the Ecological Impact Assessment (EclA) which accompanied the application. A Biodiversity Nett Gain and Management Plan was also submitted, along with an Arboricultural Report. The hedges proposed for removal were identified in the Arboricultural Report as H9 (the larger section to the west) and H30 (the smaller section to the east). Both hedges were found to comprise native species including Hawthorn, Ash, Blackthorn, Dog-rose, Blackberry, Goat Willow and Elder. They were noted in the report as being neglected and overgrown but in 'Fair' structural and physiological condition. A life span of 20-40 years was predicted, and the habitat was identified as 'High Value'. Both hedgerows were categorised as Category B3 which is defined as 'Trees of moderate quality'. The EclA found that the overall site was of 'local importance' with the hedgerows identified as of 'local importance – higher value'. No evidence of protected flora or fauna was found on the site; however, it was acknowledged that the site could be used by mammals or mobile species for foraging and/or commuting. Bat activity surveys on the site found low to moderate bat activity and the trees on the site were not found to have high bat roost potential. The EclA concluded that the development would have a low impact on local bat populations. The linear hedgerows along the site boundary were found to have greater potential for foraging and/or commuting bats rather than the hedgerows proposed for removal.

8.5.3. A Biodiversity Nett Gain and Management Plan was submitted under FI. The Plan acknowledges that whilst the development would involve the removal of c. 85m of existing

hedgerow, a new native hedgerow of 225m would be planted along the western boundary of the site and an additional 99m of additional planting would be provided to strengthen existing hedgerows to the east and north. The proposed planting schedule would also incorporate a new area of woodland (c. 348m²) onsite which did not previously occur. This along with the additional tree and hedgerow planting provides new opportunities for nesting and foraging birds, foraging and commuting bats and pollinators. The Plan states that a total linear length of 691m of hedgerows and treelines will be achieved post development. New hedgerows and wildflower meadows will offer new wildlife corridors for small mammals such as Hedgehog which had been fragmented. In terms of metrics, the proposed development will achieve a total area of 884m² and 691m of high value habitat (defined in the Plan). This contrasts with the existing 362m² of high value habitat currently onsite. In addition, there will be a total area of 7,938m² of low quality, local importance habitat post development.

8.5.4. A technical response to the ecological reasons for refusal is appended to the appeal. The response states that, as per the Ecological Impact Assessment, (EclA), the hedgerow and drain proposed for removal are of limited ecological value. The drain is also of low ecological value as it contains stagnant water, has been modified and culverted and periodically dries up, which limits the habitat for flora. The hedgerows are fragmented and end abruptly to the east, which impacts on connectivity. Works undertaken to construct the Sallins Link Road have removed sections of hedgerow to the north of the site that would have connected with the existing hedgerows on the site and in the adjoining lands. Whilst the development proposed to remove 85m of existing hedgerow, 225m of hedgerow will be planted to compensate for the removal. While the hedgerow to be removed could support breeding bird populations, mitigation measures are proposed in the EclA to prevent significant impacts. The ecology response in the appeal concludes that ‘...the drainage ditch and associated hedgerow do not constitute a significant ecological or green infrastructure feature’, and their removal, together with the proposed compensatory planting and mitigation measures will not give rise to any significant adverse ecological impact.

8.5.5. In terms of impact on biodiversity, I consider that a case can be made for the removal of the hedgerow and ditch traversing the site. Whilst the hedgerow comprises native species, it is fragmented in places with limited connections to the wider lands. The hedgerow does not form part of the townland boundary, and it is evident from aerial maps

(Google Maps) that the historic hedgerow pattern and field boundaries have been fragmented by the construction of the Link Road to the north of the site. I note that the Biodiversity Net Gain and Management Plan concluded that the proposed development would result in a Biodiversity Net Gain of high value habitats onsite. Although the development would involve the removal of c. 85m of existing hedgerow a new native hedgerow of 225m would be planted along the western boundary of the site. This hedgerow would provide a continuous north-south connection to the woodlands at the south of the site and to the canal Greenway beyond. Existing hedgerows would be strengthened to the east and north, which would also enhance GI connections.

8.5.6. However, whilst the proposal would involve the planting of replacement hedgerows, historic maps (Táillte Éireann historic 6-inch maps dating from 1829-1840) indicate the presence of a hedgerow in this location from the 1800's. Although the EcIA did not identify any rare or protected species in the hedgerow, there would be an intrinsic value in terms of its seed bank due to the length of time it has been in situ on the site, which could not be replicated in new planting. Chapter 12 of the KCDDP contains the main policies and objectives that relate to Green Infrastructure in the County. Objectives BI O22 and BI O24 seek to identify and protect biodiversity features and corridors, including hedgerows, to minimise the loss of habitats. Objective BI O26 seeks to prevent the removal of hedgerows and where their removal is unavoidable, mitigation planting of similar length and species will be required. As noted in Section 8.4 above, I consider the overall layout of the scheme to be lacking in terms of its public open space and roads layout. Whilst I accept that mitigation measures would result in the provision of replacement hedges and GI connections, I am not convinced that the removal of the hedgerow and drainage ditch is unavoidable in the first instance. I note the argument put forward by the applicant that the integration of the hedgerow would result in a loss of density for the site, and I acknowledge the difficulties involved in integrating existing features into a coherent layout. However, I agree with the opinion of the PO that the retention of the hedgerow warranted further consideration in the overall site layout in terms of its contribution to the biodiversity, GI and landscape character. The development as presented does not offer a layout that would deliver a sufficient level of urban design and sense of place to warrant the removal of the hedgerow and drainage ditch. For this reason, I consider the proposed removal of the hedgerow to be contrary Objective BIO 26 of the Development Plan.

9.0 AA Screening

- 9.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on:
- The nature and scale of the proposed works.
 - The location of the site and the separation distance from the subject site to the European Sites.

10.0 Water Framework Directive

- 10.1. A screening for the purposes of the Water Framework Directive (2000/60/EC) has also been carried out. On the basis of objective information, I conclude that the proposal 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 waterbody in reaching its WFD objectives. Therefore, it can be excluded from any further assessment (Appendix 4).

11.0 Recommendation

- 11.1. I recommend that planning permission is refused for the following reasons.

12.0 Reasons and Considerations

1. Having regard to the development proposal which involves the removal of a mature hedgerow and drainage ditch on the site, it is considered that the proposal is contrary to Objective IN O21 of the Kildare County Development Plan 2023-2029 which seeks to facilitate the development of nature based Sustainable Urban

Drainage Systems and prohibits the culverting of drains in favour of open, natural drainage systems. The proposed removal of the natural drainage feature on the site has not been justified and as such the proposal would not be in accordance with the preferred drainage strategy for the County. The removal of the hedgerow would also be contrary to the provisions of Objective BIO 26 of the Kildare County Development Plan 2023-2029, which seeks to prevent the removal of hedgerows in the first instance and where unavoidable to keep removal to a minimum with replacement planting required. The proposed development has not demonstrated that the removal of the hedgerow is unavoidable and as such is contrary to the provisions of Objective BIO 26. The development as proposed would be contrary to the provisions of Objective IN O21 and Objective BIO 26 of the Kildare County Development Plan 2023-2029 and would therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the layout and design of the proposed development, the provision of public open space is unbalanced and lacks a hierarchy of spaces and equitable distribution through the site, which results in poor visual and physical connections to public open space for many of the units. This is contrary to the provisions of Section 15.6.6 of the Kildare County Development Plan 2023-2029 and would be therefore, 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.

Elaine Sullivan

Senior Planning Inspector

5th of June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501089-KE-26
Proposed Development Summary	Mixed use development of 75 no. houses (terraced and semi-detached) and 24 no. apartments (4 no. blocks) providing a mix of 10 no. 1-bedroom, 12 no. 2-bedroom, 65 no. 3-bedroom and 12 no. 4-bedroom units, and a creche of 207 sq. m
Development Address	Osberstown, Sallins, 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?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ 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)	
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	State the Class here

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)	<i>Class 10 – Infrastructure Projects</i> <i>(b) (i) Construction of more than 500 dwelling units.</i> <i>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</i>
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 ☒	Screening Determination required (Complete Form 3)

No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____

Appendix 2: Form 3 - EIA Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference	501089-KE-26	
Development Summary	Development of a 3.24 ha site on the outskirts of Sallins to include the construction of 99 residential units, (62 no. houses and 37 no. own-door, duplex units), a single storey creche of 194m ² , 131 car parking spaces, bicycle spaces, c. 5,300 sq. m of open space, new vehicular access, landscaping and drainage infrastructure.	
	Yes / No / N/A	Comment
1. Was a Screening Determination carried out by the PA?	Yes	The PA determined that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and an Environmental Impact Assessment was not required
2. Has Schedule 7A information been submitted?	Yes	An EIA Screening Report was submitted with the application.
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report was submitted with the application and concluded that the development site, individually or in combination with other plans or projects will not have a significant effect on any European site. (The application also had an EcIA, Site Specific Flood Risk Assessment and Engineering Report).
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No EPA licence required.

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives	Yes	SEA and AA undertaken for the South County Dublin Development Plan.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposal comprises a residential development with creche on a site located at the edge of an urban settlement (Sallins). The site adjoins existing residential development to the east at the Millbank estate with similar residential development on sites to the north and south of the subject site.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development will result in site excavations and the construction of a new development within the existing greenfield site, which is subject to the zoning objective C4 – New Residential.	No

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical for the type of development proposed. The loss of natural resources as a result of the development of the site is not regarded as significant in nature. An Outline Construction Management Plan (OCMP) and an Operational Waste Management Plan (OWMP) have been prepared for the development.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the OCMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No – the application was accompanied by an OCMP. Measures outlined for the management of construction materials on site are sufficient to mitigate against significant impacts.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances, and will give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local. and temporary in nature. The implementation of standard measures outlined in OCMP would satisfactorily mitigate the potential impacts. Operational waste would be managed. Other significant operational impacts are not anticipated.	No

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	There is a risk of accidents and spills during the construction stage, which could lead to pollutants entering the groundwater and/or surface water or subsoil. The implementation of standard measures and site safety outlined in the OCMP would lower the risk of such events and would satisfactorily mitigate the potential impacts. No operational impacts in this regard are anticipated.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the OCMP.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the OCMP would satisfactorily address potential risks on human health.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No risk from the proposed development and the site is not located in vicinity of any major accident sites. No flood risk was identified to or from the proposed development.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The population in the area will increase and employment would be provided in the creche. It is anticipated that the development will positively affect the social environment	No

1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	No – the project is a stand-alone development on an urban site that is zoned for development.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	No	The site is not designated for conservation and is not a designated European site. The closest European site is the Ballynafagh Lake SAC and Ballynafagh Bog SAC which are c.8 km from the subject site. Screening for Appropriate Assessment was provided in support of the application. The southern extent of the site will connect with and open onto the Grand Canal pNHA. The Liffey at Osberstownp NHA is approx. 2.7km to the southwest of the site. There are hedgerows on the site to be removed. The Development Plan contains objectives to protect and retain hedgerows where possible.	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No protected species were identified within the site, and the site is not suitable as an ex-situ site for designated species. (See AA Screening). Implementation of the OCMP and a CEMP would prevent impacts from dust, noise, water borne pollution and disturbance to species on adjoining sites such as the Grand Canal pNHA.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no protected structures, known archaeological sites, or recorded monuments on the site. The closest recorded monument is 650m	No

		from the development site (KD019-081 – Ring Ditch at Osberstown) and will not be impacted. The site is not within a landscape designated for conservation and is not part of a protected view or prospect.	
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	The site adjoins the Grand Canal pNHA. Implementation of the OCMP and a CEMP would prevent impacts from dust, noise, water borne pollution.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	The site is not within Flood Zone A or B for fluvial flooding. OPW CFRAM maps do not show it in an area subject to pluvial flooding. An area of localised ponding has been identified on the site and will form part of the surface water strategy for the development. No watercourses traverse the site. A drainage ditch traverses the site and drains rainwater from the site into a culverted drain and on to the River Liffey. SuDS measures will be implemented to ensure surface water runoff is maintained at a greenfield rate	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No risks identified.	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is approximately 7km from the N7.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is bounded by agricultural land and residential development.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	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. Whilst some extant permissions were identified within proximity to the site, any cumulative environmental impacts would be related to the construction phase and would be temporary in nature. All permitted development would be subject to a CEMP to mitigate impacts. Any cumulative traffic impacts that may arise during construction would be subject to a project construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise due to the nature, scale and location of the site.	No
3.3 Are there any other relevant considerations?	No		No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			
EG - EIAR <u>not</u> Required			
Having regard to: -			

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed housing and creche development, in an established residential area served by public infrastructure
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, i.e. AA Screening Report, Site Specific Flood Risk Assessment, Engineering Report and EIA Screening Report which were provided in support of the application.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: Standard AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: 501089-KE-26	
Step 1. Site Description – The site of the proposed development is located on the western edge of Sallins village. It is a greenfield site, to the south of Sallins Link Road. Lands to the south and west are agricultural in nature. Lands to the east comprise an Uisce Éireann pumping station and the Millbank housing estate. The Grand Canal pNHA adjoins the site to the south. (See Section 1.0 of the Inspectors Report for a full description).	
Brief description of project	The project involves the construction of a mixed-use development comprising 99 no. residential units and a creche facility to be accessed from Sallins Link Road. (See Section 2.0 of the Inspectors Report for a full description).
Brief description of development site characteristics and potential impact mechanisms	[include size, scale, land take, proximity to European site, duration of works, measures integral to design – any key issues, e.g. emissions, disturbance,] The site has a stated area of 3.24 ha. It is not within or adjoining any designated European Site. The closest European Sites are Ballynafagh Lake SAC (001387) and Ballynafagh Bog SAC (000391) which are approximately 7.7km to the north west of the site overland. Apart from a local drainage ditch that outflows to the River Liffey via a culvert, there are no watercourses within the site. The Grand Canal pNHA is located directly to the south of the site and the River Liffey is approximately 400m to the west of the site, on the opposite side of Sallins Link Road.

	Potential impact mechanisms would arise from the construction phase through the release of emissions to air and water, habitat removal, fragmentation, disturbance – noise / lighting / human activity, and from the operational phase through the release of surface and foul water and disturbance to species.			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	No submissions with specific issues regarding AA.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
South Dublin Bay and River Tolka Estuary SPA (SC 004024)	ConservationObjectives.rdl (NPWS website - accessed on the 28 th of May 2026).	32km (overland)	No direct connections. Potential indirect hydrological connection.	N
South Dublin Bay SAC (SC 00210)	CO000210.pdf (NPWS website - accessed on the 28 th of May 2026).	31km (overland)	No direct connections. Potential indirect hydrological connection.	N
An indirect hydrological connection exists between the subject site and the Nature 2000 sites in Dublin Bay via the River Liffey. Surface water from the site currently drains to the River Liffey via a culverted drain under Sallins Link Road. This connection will be retained and form part of the surface water drainage strategy for the proposed development.				

In the absence of mitigation measures there is potential for the release of pollutants in surface water during the construction and operational phases of development. However, due to the hydrological distance between the sites, any silt or pollutants would be subject to hydrological mixing and/or settlement.

Table 5.1 of the AA Screening Report considers the impact of the proposal on 12 additional European Sites. Using the source-pathway-receptor model, no pathways were identified between the subject site and the other sites listed in Table 5.1. Where indirect pathways were identified, (North Dublin Bay SAC, North Bull Island SPA and North-West Irish Sea SPA) the distances between the sites (approximately 36km) were considered too far to represent any meaningful connection. The proposed development will have no significant impact on the conservation objectives of these sites.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

- (a) The proposed development will have no direct impact on the European Sites in Dublin Bay.
- (b) Indirect impacts would be restricted to waterborne pollutants from a weak hydrological connection from the surface water drainage on the site to the River Liffey, which eventually outfalls to Dublin Bay.
- (c) Due to the distance between the sites, (c. 30km overland) any waterborne pollutants from the site would be subject to hydrological mixing and/or settlement prior to discharging to Dublin Bay and the European Sites of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC. There is no likelihood of significant effects on the conservation objectives of the European Sites with an identified pathway from proposed development alone.

Likelihood of significant effects from proposed development (alone): No.

If No, is there likelihood of significant effects occurring in combination with other plans or projects?

No. The potential for cumulative effects with other plans and projects was considered in Section 6.2 of the Screening Report, which lists extant permissions within a radius of up to 330m of the site. Due to the nature and scale of the extant developments and the conditions attached to the permissions, there would be no significant in-combination risk to any European site owing to the development.

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development (alone) would not result in likely significant effects on the European Sites of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the European Sites of South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works.
- The location of the site and the separation distance from the subject site to the European Sites.

WFD IMPACT ASSESSMENT SCOPING TABLE

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

An Coimisiún Pleanála ref. no.	PL-501089-KE-26	Townland, address	Sallins, Co. Kildare
Description of project		Construction of 99 residential units and creche. The development would be connected to the public wastewater and foul water services.	
Brief site description, relevant to WFD Screening,		The site is in an urban area and is connected to the public wastewater and foul water services. Its topography is mainly flat with a low-lying area to the north of the site. Apart from an open drainage ditch there are no watercourses within the site. The Grand Canal is located to the south of the site, and the River Liffey is approximately 300m to the west of the site. The site is in Flood Zone C.	
Proposed surface water details		Surface water from the development will be managed on site through the use of SuDS features, including detention basins, permeable paving, tree pits, filter drains and swales. Surface water will then be discharged to the Liffey at a greenfield rate.	
Proposed water supply source & available capacity		It is proposed to make a connection to the existing 150mm diameter uPVC Watermain in the Millbank estate to the east. A pre-connection enquiry was submitted to Uisce Éireann in 2023 for a different development of 285 units on the subject site and a site to the north. UE responded in 2024 that a water connection was feasible without infrastructure upgrades.	
Proposed wastewater treatment system & available capacity, other issues		Wastewater from the development will be discharged to the existing 450mm diameter foul sewer at the northeast corner of the site which in turn discharges to the existing pumping station adjoining the site. A pre-connection enquiry was submitted to Uisce	

				Éireann in 2023 for a different development of 285 units on the subject site and a site to the north. UE responded in 2024 that a wastewater connection was feasible without infrastructure upgrades.			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River Canal Waterways Ireland Canal	Grand Canal Main Line IE_09_AWB_GCMLE	Good	Not At Risk	None identified	Potential pathway for surface water runoff from construction activities.	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS, hydrobrake and petrol interceptors will be used for the operational phase.	Mitigation is sufficient to manage pollutants in surface water run-off.
River	Liffey IE_EA_09L011500	Good	Not At Risk	None identified	Pathway via surface water drainage during the construction and operational phase.	CEMP – mitigation measures for construction phase. Onsite attenuation,	Mitigation is sufficient to manage pollutants in surface water run-off.

						SuDS, hydrobrake and petrol interceptors will be used for the operational phase.	
Groundwater	Naas groundwater body IE_EA_G_027	Good	Not At Risk	None identified	Pathway via subsoils on the site.	CEMP – mitigation measures for construction phase. Onsite attenuation, SuDS, hydrobrake and petrol interceptors will be used for the operational phase.	Mitigation is sufficient to manage pollutants in surface water run-off and to prevent spills.

