



An
Bord
Pleanála

Inspector's Report

ABP-319096-24

Development

Construction of 51 residential units consisting of 35 houses, 8 maisonettes units and 1 apartment building of 3 storeys with 8 residential units, a creche and all associated site works.

Location

Capdoo & Abbeylands, Clane, Co. Kildare

Planning Authority

Kildare County Council

Planning Authority Reg. Ref.

23728

Applicant(s)

Westar Investments Ltd.

Type of Application

Permission.

Planning Authority Decision

Grant

Type of Appeal

First Party v conditions

Third Party v Grant

Appellant(s)

Westar Investments Ltd

Clane Community Council.

Observer(s)

None.

Date of Site Inspection

17th December 2024

Inspector

Lucy Roche

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Decision	10
3.1. Decision	10
3.2. Planning Authority Reports	11
3.3. Prescribed Bodies	13
3.4. Third Party Observations	13
4.0 Planning History	14
5.0 Policy Context	17
11.0 The Appeal	28
11.1. Grounds of Appeal	28
11.2. Applicant Response to Third Party Appeal	32
11.3. Planning Authority Response	35
11.4. Observations	35
12.0 Assessment	35
13.0 AA Screening	56
14.0 Recommendation	57
15.0 Reasons and Considerations	57
Appendix	61

1.0 Site Location and Description

- 1.1. The appeal site is located on the eastern outskirts of Clane, in north Kildare, approximately 650m east of Clane Town Centre (as the crow flies) and 35km west of Dublin in North Kildare.
- 1.2. The site comprises two irregular shaped plots of lands with a combined area of 3.6ha. The western portion of the site comprises a roughly rectangular shaped field that is bounded by mature trees and hedgerow to the north, east and south and by construction hoarding to the west. This area has been subject to construction activity with works having commenced on the internal road network for the residential scheme proposed under **KCC Reg. Ref: 20/808 (ABP-309367)** as well as works undertaken in respect of ancillary roads and infrastructure serving constructed and under construction development on neighbouring lands (**KCC Reg. Ref: 21/1400 and ABP-314802-22 respectively**). The western end of the site is currently being used as a parking area / construction compound associated with the development currently under construction (**ABP-314802-22**). The eastern portion of the site comprises an area of greenfield that extends along the western bank of the River Liffey. These lands have the benefit of planning permission for a linear / neighbourhood park under **ABP-314802-22**, currently under construction.
- 1.3. Regarding site surrounds, the site is bounded to the south and northwest by the existing residential developments of Brooklands and Hamilton Park. Brooklands is a relatively new residential development having been constructed in the last 20 years. It incorporates a mix of detached, semi-detached and terraced two-storey housing as well as duplex apartments in two, three storey blocks. Hamilton Park to the northwest, comprises a newly constructed / occupied apartment scheme in three, three storey blocks. Lands to the immediate north and west of the site are currently undeveloped. A residential scheme of 59 units is currently under construction to the south of the site (**ABP-314802-22**). As previously noted, this permission includes for the construction of a new linear / neighbourhood park with pedestrian / cycle linkages to the residential development of Alexander Walk to the south.
- 1.4. The site is accessed via the R403 Celbridge - Prosperous Road through the Brooklands Housing Estate and the recently completed roadway known as 'The Avenue' serving Hamilton Park. Upgrade works have recently been completed on

the four-arm junction of the R403 Regional Road/ Brooklands/ Capdoo Link Road with a signalised junction now in operation.

2.0 Proposed Development

2.1. The proposed development as submitted to Kildare County Council on the 29th of June 2023 comprised the construction of 51no. residential units, a 485.76sqm creche and a public park on a 3.8ha site. The proposal was amended in response to a request for further information (RFI) issued by the planning authority on 14th of August 2023. The amendments comprised:

- an increase in the overall site area from 3.8ha to 3.89ha,
- an increase in the quantum of public open space on residential zoned lands from 5,382.06 to 5,738.03sqm
- the provision of a pedestrian link between the proposed linear/neighbourhood park and Alexandra Walk to the south.
- Revisions to the external play area serving the creche, increasing the area of the space provided from 110sqm to 220sqm
- The reorientation / relocation of the bin and bike store serving the apartment / crèche building
- Increased separation between the proposed mixed-use apartment / creche block and neighbouring houses in Brooklands, from 18m to 22m
- The provision of additional EV car charging infrastructure
- Provision of additional SuDS features

It is this amended layout that will form the basis of this assessment. The proposed scheme (as amended) is described in more detail below.

2.2. The proposal before the Board comprises the construction of 51no. residential units, a 485.76 sqm creche and a public park on a 3.89ha.

2.3. Residential units are proposed in a mix of unit type, size and format details of which are set out in Tables 2.1 and 2.2 below. All buildings are either two or three-storey, ranging in height from 8.5 to 10.7 metres with the larger three storey mixed use

building (apartment and crèche building) rising to 10.1 metres in height. The 8no.maisonettes units are provided in two two-storey buildings.

- 2.4. The mixed-use building is located to the southeast corner of the development site, fronting onto the main distributor road serving Brooklands. It is positioned to the rear of a row existing two-storey houses in Brooklands, House No's 135 to 140 (inclusive) and to the south of a similar style three-storey apartment building constructed under KCC ref: 21/1400 (Hamilton Park). This mixed-use building comprises the Crèche at ground floor level and 8no two-bed apartments over two floors at first and second floor level. The apartments are served by a shared entrance from the front (southwest) elevation, while the creche is served separately from the northeast. Each apartment unit is either dual or triple aspect and is served by two recessed balconies, the largest of which ranges in size from 8.9 to 10.7 sqm and is accessed directly from the main living area. A new internal access road serving 14 no. car parking spaces is to be provided to the front (south-west) of the building, adjacent to and parallel to the existing road. A pedestrian link connecting this access to the rear of the building and the internal estate road is provided to the southeast of the building. Additional parking for the Crèche facility is proposed to the rear (northeast) of the building along the proposed internal estate road. The apartments and crèche facility are to be served by a shared detached bin and bike store to the west of the building. The Crèche facility is to be served by a dedicated area of open space to the northwest (c220 sqm) while further incidental areas of open space bound the building to the northwest, southwest and southeast.
- 2.5. The remaining 43 no. residential units (houses and Maisonettes) are arranged in two blocks, one is a perimeter block style the other a more traditional back-to-back format with separation distances of 22m or more between the rear of directly opposing units. Units face onto either an internal access road or the main area of residential public open space. Parking is arranged to the front or side of units adjoining internal roads. Each unit is to be served by an area of private open space in the form of a rear garden. Boundary treatments include a 1.8-metre-high concrete post and timber panel fence between the rear gardens and a 2-metre-high block wall with a plaster finish along the rear garden boundary separating the dwellings. Maisonette units are provided by bike stores in their allocated area of private open

space while the detached two-storey dwelling (house type 2.4) is afforded a garden shed for additional storage.

- 2.6. An area of public open space of approximately 150m in length and 18m in depth (varies) is located along the northeastern boundary. This space forms part of a larger area of public open space that is planned for the overall Phase 1 development with the reminder proposed as part of the concurrent application **KCC Reg Ref: 23/207 (ABP-317695-23)**. The area proposed includes for the retention of existing field boundaries.
- 2.7. A larger area of public open space (c1.8ha) in the form of a linear / neighbourhood park is proposed to the east of the site along the western banks of the River Liffey. This public park already has the benefit of planning permission under **ABP-314802-22** (Phase 3). The proposal includes for a pedestrian footpath linking the proposed residential units to the linear park and onto Alexandra Walk to the south.
- 2.8. The main vehicular and pedestrian access to the site is proposed via 'The Avenue' a newly constructed entrance / access road off Brooklands at the southwestern corner of the site (constructed on foot of **KCC Ref: 21/1400**).
- 2.9. Table 2.1 below provides a summary of the key aspects of the proposed scheme:

Table 2.1: Site Statistics and Development Details:		
Site Area	3.89ha (increased from 3.8ha at RFI stage)	
Gross Floor Area	Total	5,993.19sqm
	Residential	5,447.43sqm
	Creche	485.76sqm (Catering for 76 no. children and 15 staff members)
No. Of Residential Units	Total	51
	Houses	35
	Apartments	8
	Maisonette	8
Housing Mix	Refer to table 2.2 below	

Density	29units /ha	
Height	2 to 3 storeys reaching a maximum height of 10.8m. The three-storey mix use apartment / creche block reaches 10.1m	
Car Parking	Total	126 spaces (inclusive of 2 no. accessible parking spaces),
	Houses	70 spaces (2 spaces / house)
	Apartments / Maisonettes	30 spaces (c1.9spaces inclusive of visitor parking spaces)
	Creche	26 spaces (0.5 spaces per staff member and 1 space per 4 children)
Cycle Parking	Apartments and creche	32 spaces within a bike store
	Maisonette	Each unit to be served with separate bike store located within the private amenity space associated with each unit, 4 no. visitor spaces at surface level
Open Space	Public Park	18,022.57sqm (increased from 17,920.28sqm at RFI stage)
	Public Open Space	5,738.03sqm (increased from 5.382.06 at RFI stage)
Access	Main vehicular and pedestrian access point along the existing route through the Brooklands development to the west (already approved and constructed KCC PRR21/1400). A second access is proposed off Brooklands Housing Estate to serve the apartments and Creche in Block A. The scheme was amended at RFI stage to include a pedestrian link with Alexander Walk to the south.	

2.14. The following Tables provide a breakdown of house type and unit mix.

Table 2.2 – House type	
Accommodation Type	No. of Units Provided
4 Bed semi-detached	12
3 Bed detached	1
3 Bed semi-detached (Type B)	4
2 Bed terraced (2 Storey)	6
3 Bed terraced (2 storey)	10
3 Bed terraced (3 storey)	2
2 Bed Maisonette	4
1 Bed Maisonette	4
2 bed Apartment	8
Total	51

Table 2.3 – Housing Mix					
Housing Mix	1 Bed	2 Bed	3 Bed	4 Bed	Total
Total Units	4	18	17	12	51
% Mix	8%	36%	33%	23%	100

2.15. The application is accompanied by (inter alia):

- Planning Reports
- A Screening report for Appropriate Assessment
- Mobility Management Plan
- Traffic Impact Assessment
- Road Safety Audit Stage 1 and 2
- Statement of Consistency DMURS
- Infrastructure Design Report
- Building Lifecycle Report

- Design Statement
- Outdoor Lighting Report
- Site Specific Flood Risk Assessment
- Arboricultural Report
- Preliminary CEMP
- Preliminary Waste Management Plan
- Archaeological Impact Assessment Report
- Ecological Impact Statement and Bat and Badger Impact Evaluation
- Social and Community Infrastructure Audit (Submitted at RFI stage)
- Daylight Analysis and Overshadowing (Submitted at RFI stage)
- Arboricultural Management Report and Landscape Maintenance Plan (Submitted at RFI stage)

3.0 Planning Authority Decision

3.1. Decision

Following an initial request for further information, Kildare County Council did by Order dated the 22nd of January 2024 decide to grant permission for the development of lands at Capdoo and Abbeylands, Clane, subject to 43 no. conditions. The majority of the conditions are standard for a residential development of the scale proposed. The following conditions are of note:

C2: - Clarifies that the permission is granted for 48no residential units in total

C3: - Requests the submission of a revised site layout plan showing the omission of three units (units 6.2; 6.3 and 6.5) and the space utilised for public open space.

C5: - requires that all units comply with the storage requirements set out in Table 15.2 of the KCDP

C6: - requires adherence to the mitigation measures outlined in the Ecological Impact assessment

C12: - Requires the applicant to demonstrate that the receiving surface water drain network is suitable for discharge of surface water from the proposed development prior to the commencement of development

C17: - Relates to the design of the play area

C28: - Restricts the hours of operation during construction

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Case Planner (August 2023) has regard to the locational context and planning history of the site; to relevant local, regional, and national planning policy and guidance; and to the departmental reports and third-party submission received. This report forms the basis for the planning authority's further information request. The main issues raised can be summarised as follows:

- In the assessment of the application, the Case Planner raises concerns in relation to the piecemeal approach to the development of KDA1 Lands; compliance with the core strategy; the lack of usable public open space to serve the residential development; the proximity of the proposed three storey apartment block to existing dwellings in Brooklands (c18m); material finishes; the design and location of the creche facility and its associated outdoor space and the need for a Social Infrastructure Audit.
- The report concludes with a request for further information on the main issues raised in the assessment and in the departmental reports received. The issues covered in the FI request include: Compliance with Core Strategy / exceedance of housing target for Clane; the design and layout of public open space (including drainage) its ability to cater for the proposed residential units and its connectivity to surrounding residential development; concerns regarding the proposed creche as part of a mixed use building rather than a standalone facility and parking open space provision for same; foul and surface water drainage; the need for a Social Infrastructure Audit and electric vehicle charging infrastructure.

The further information report of the case planner considers the information received on the 19th of December 2023 and the internal departmental reports received. This report forms the basis for the planning authority's grant of permission. The following points from the assessment are noted:

- At the time of assessment, the proposed development would not exceed the core strategy allocation for Clane (219-unit target).
- The quantum of usable open space for the proposed residential units is a concern. A reduction in units to ensure a greater level of usable open space is recommended.
- The application has been amended to include a pedestrian access between the proposed linear park and Alexandra Walk.
- Outdoor space for the Creche has been revised, increasing the open space area from 110sqm to 220sqm.
- The separation distance between the proposed apartment block and the Brooklands estates has been increased to 22m in accordance with KCDP standards.
- Regarding the submitted SIA, it is not clear that there is existing capacity in existing schools at primary and secondary level. The provision of a crèche is welcomed.
- The report concludes with a recommendation to grant permission subject to condition as per final decision.

3.2.2. Other Technical Reports

- **Parks** – Report requests further information but includes recommended conditions in the event of a grant of permission. It is noted in the report that the application does not include an access between the proposed linear/neighbourhood park to the east and Alexandra Park and requests that pedestrian linkage be provided. Report of January 2024 recommends conditions.

- **Environment:** - Report of July 2023 recommends conditions on the management of waste, foul and surface water discharge and the control of noise and dust emissions during construction.
- **Water Services:** - Report of July 2023 requests further information on the diameter of the foul sewer, incorporation of a climate change factor of 30% + 10% in surface water design calculations and the provision of additional SuDS features. Report of January 2024 recommends conditions.
- **EHO:** - Report of July 2023 raises no objection to the development subject to conditions relating to the submission of a comprehensive construction management plan, ventilation, external lighting; waste/refuse facilities and pest control and flood risk assessment. The EHO also advises that the applicant contact Tulsa with regard to the proposed childcare facility.
- **Roads and Transportation:** - Report of August 2023 requests further information regarding the location of electric charging points for residential units. Report of January 2024 recommends 14no conditions.
- **Housing:** - Report of August 2023 recommends a condition regarding compliance with Part V

3.3. Prescribed Bodies

- **Uisce Eireann:** - Report of August 2023 request further information on the diameter of the proposed foul sewer. Report of January 2024 cites no objection subject to condition.

3.4. Third Party Observations

Submission received from Clane Community Council, the appellants in this case. The issues raised in the submission are similar to those set out in the grounds of appeal.

4.0 Planning History

- 4.1. The appeal site, with a stated area of 3.89ha (as amended) forms part of Key Development Area 1 (KDA1) in the *Clane Local Area Plan 2017 -2023*. The residential and open space zoned lands within KDA1 (c10ha) have been subject to several planning applications in recent years. The following of which are noted:

ABP 308943-20 ***Strategic housing development*** (SHD) lodged December 2020 for 333 no. residential units, creche and associated site works. The application was accompanied by and EIAR. This SHD relates to c10.3ha of lands within KDA 1, including lands associated with the current appeal site. The layout for that part of the SHD site which corresponds with the subject site, incorporates a similar layout to that currently before the Board.

Note: *The Board's decision on this application was quashed by order of the High Court and the case remitted back to the Board for a fresh determination. The appeal has been reactivated under ABP Ref: 320511-24 and is awaiting decision.*

Phased Development of KDA1

Following the lodgement of the SHD, the applicant adopted a phased approach to the development of KDA1 lands. The applicant proposes to develop residential / open space lands within KDA1 in four phases with planning applications lodged / decided on three of the four phases as follows:

Phase 1:

ABP-309367-21 **KCC Reg. Ref: 20/808.** Permission granted by Kildare County Council (Jan.2021) for the construction of 91no residential units and a 364sqm crèche to accommodate 50 children on a 3.6ha site. This application incorporates part of the current appeal site (the residential element), in a very similar layout. The proposal includes for a smaller creche facility (c365sqm) than that currently proposed, facilitating an additional 2-bedroom

apartment at ground floor level within the mixed-use apartment / creche building.

Note: *The Board's decision on this application was quashed by order of the High Court and the case remitted back to the Board for a fresh determination. The appeal has been reactivated under ABP Ref: 319138-24 and is awaiting decision.*

In addition to **KCC Reg. Ref: 20/808** the applicants lodged two separate planning applications for Phase 1 hereunder referred to as Phase 1a and Phase 1b, both of which are currently under appeal. Again, the design and layout of the residential development proposed in these applications is very similar to that previously proposed under the **SHD - ABP 308943-20** and Phase 1 - **KCC Reg. Ref: 20/808 (ABP-309367-21)**.

Phase1a

ABP-317695-23 Permission granted by Kildare County Council (2023) under **KCC Reg. Ref: 23/207** for 39 residential units. This application relates to the northern section of the Phase 1 lands.

Phase 1b:

ABP-319096-24 The application currently before the Board.

Phase 2

KCC Ref: 21/1400 Permission **granted** (2021) for 34no residential units (apartments).

This development is constructed and occupied (Hamilton Park).

Phase 3

ABP 314802-22 Permission refused by KCC Ref: 22/889 (Sept 2022).
Permission **granted** (March 2024) for the construction 59 residential units and linear /neighbourhood park adjacent to the

River Liffey. Permission also includes for pedestrian access to Alexander Park.

Currently under construction.

4.2. The following applications in Clane are also of note:

KCC Ref: 2360433 Kildare County Council issued a notification of a decision to grant permission on the 27th November 2024 to Westar Investments Ltd (the applicants in this case) for a town park along with a new vehicular access off the R403 via a new roundabout junction, provision of a new traffic calming gateway along the R403 and a new 3m public footpath/cycle lane and lighting along the R403 to connect into the existing public footpath network in the town.

This development is located on lands to the north of the appeal site and includes part of the Strategic Reserve Lands in KDA1

Capdoo – Key Development Area 2 in the Clane LAP

ABP304632-19 Permission **granted** (Sept. 2019) for SHD of 366 no. residential units (184 no. houses, 182 no. apartments) creche and associated site works including the construction of a new Link Road connecting the R407 (College Road/Kilcock Road) to Capdoo Park and the R403 (Celbridge Road).

Note: *Currently under construction.*

Millicent– Key Development Area 5 in the Clane LAP

KCC Ref: 23972 Permission **granted** by KCC (March 2024) for Large Scale Residential Development of 190 residential units and childcare facility over a period of 8 years. Condition 2 is relevant:

C2 - This permission authorises the construction of 190no. dwelling units over a period of 8 years. The construction and occupation of the proposed development shall occur on a phased basis. Prior to the commencement of development,

details of a precise phasing plan shall be submitted for the written agreement of the Planning authority. The Phasing plan shall include details of the number of units to be constructed and occupied by 31st December 2028 and for the remaining years over the lifetime of this permission.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings

KCC Ref: 24245 Permission **granted** by KCC (October 2024) for amendments to the LRD permitted under **KCC Ref: 23/972** to facilitate the phased delivery of the permitted link road. Condition 6 requires that the phased construction of the Link Street be fully completed prior to occupation of the 51st unit.

5.0 Policy Context

5.1. Development Plan

5.1.1. The *Kildare County Development Plan 2023-2029* (KCDP 2023-2029) was adopted by Kildare County Council on the 9th of December 2022 and came into effect on the 28th of January 2023. It is now the operative Plan for the area.

5.1.2. **Chapter 2 Core Strategy and Settlement Strategy** categorises Clane as a ‘Self-Sustaining Town’ which are defined as towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services, and which require targeted ‘catch up’ investment to become more self-sustaining.

Table 2.8 sets out the Core Strategy for the County. In accordance with the details provided, Clane had a recorded population of 7,280 in 2016 and an estimated population of 7,702 in 2021. The Core Strategy allocates a housing target of 219 no. units to Clane for the period 2023-end 2028, this is based on a 2.4% share of the overall target for the county (9,144). Table 2.8 also identifies a target residential density of 35-40 units/ha for Clane

5.1.3. **Chapter 15 Development Management Standards states in Section 15.4.1**

Development Capacity that applications for residential development in urban areas will be required to comply with the principles of compact growth and demonstrate that they will contribute to the overall consolidation of the settlement. Applications for residential development over 20 units or, 2,000m² in the case of commercial developments, (including office/industrial developments), will be required to be accompanied by a Social Infrastructure Audit (SIA) in order to demonstrate that the proposed development, in conjunction with other extant permissions for residential development, will not place an unacceptable burden on the existing capacity of social infrastructure in the area. The Council will place particular emphasis on the need to ensure that any required social infrastructure will be developed either in tandem with, or prior to any new residential development.

5.1.4. ***It is an objective of the Council to:***

- CS O1 Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the 'Housing Supply Target Methodology for Development Planning'.
- CS O2 Ensure that the future growth and spatial development of County Kildare provides for a county that is resilient to climate change, enables the decarbonisation of the county's economy and reduces the county's carbon footprint in support of national targets for climate mitigation and adaption objectives as well as targets for greenhouse gas emissions reductions.
- 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 co-ordinated 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

- CS O7 Promote and facilitate the development of sustainable and socially integrated communities through, a plan-led approach that is informed by settlement capacity audits and social infrastructure audits by providing for land use zoning designations capable of accommodating employment, environmental education, community, leisure, education campuses, childcare, recreational and cultural facilities having regard to the quality of the receiving environment, and any landscape character, archaeological and architectural heritage sensitivities.
- CS O13 Require that the design of future development complies with the 10-minute settlement principle through the creation of a safe, attractive, permeable, and universally accessible environment for all, including permeability to existing estates to require public consultation which maximises the potential for active modes of travel along with accessibility to both present and planned public transport options and to advocate for increased public transport options to meet this goal where none are in place.
- CS O19 Align the Kildare County Development Plan 2023-2029, with the up-to-date population from Census 2022 where there are verified material population differentials at settlement level to those in Table 2.8 of the Plan, by way of a statutory variation/ review pursuant to Section 13 of the Planning and Development Act 2000 (as amended).
- SC O15 Require that community facilities are provided in new communities on a phased basis in tandem with the provision of new housing or other large-scale developments. In cases where there is a deficiency of a certain type of infrastructure as part of the development proposal, the frontloading of such infrastructure will be required as part of the first phase of development and must be fully operational prior to the occupation of any residential unit on the subject site. Such deficiencies

should be identified in the Social Infrastructure Audit prepared to accompany the planning application. Where the Planning Authority is not satisfied with the information supplied as part of the Social Infrastructure Audit or where inadequate measures are proposed to address any identified shortfalls in social infrastructure as part of a proposed development scheme, a planning application for new housing developments or large-scale developments may not be favourably considered.

- SC O16 Require residential schemes of 20 units or greater to submit a Social Infrastructure Audit which shall determine how the capacity of the assessed infrastructure will be affected by the proposed increase in population. Where a deficit is identified, the developer will be required to make provisions/submit proposals to address such deficits
- SC O17 (a) Require social infrastructure audits submitted in accordance with SC O15 of this Plan to include a map of educational, community, childcare, healthcare, sporting, and open space/play facilities within a 10-15 minute (800-1200 metre radius) walk of the proposed development. The audit should identify public / non-fee paying and private/fee paying facilities. Such audits may consider, where appropriate, services which are accessed by car. Capacities must be confirmed with supporting documentation submitted from service providers in order to verify the assessment as set out in the audit.

5.2. Clane Local Area Plan 2017-2023 (Clane LAP)

The *Clane Local Area Plan 2017-2023* (Clane LAP) was adopted by members of the Maynooth Municipal District on 10th May 2017 and came into effect on the 6th of June 2017. The plan was to remain in force for a period of 6 years, which has now lapsed. As such the Clane LAP has expired and the land use zoning objectives assigned to the appeal site under this plan, no longer apply. Notwithstanding the following provisions of the Clane LAP are noted:

Zoning: The proposed development site was subject to three land use zonings in the Clane LAP. The western portion of the site is zoned 'C' *New Residential* with

an objective to provide for new residential development. The Eastern portion of the site (lands adjoining the River Liffey) is zoned “F2” *Strategic Open Space* and Amenity with an objective to preserve, provide for and improve recreational amenity, open space and green infrastructure networks. A small section of the site, the lands adjacent to the internal road serving Brooklands, was zoned ‘B: *Existing Residential*’ with an objective to protect and enhance the amenity of established residential communities and promote sustainable intensification.

Key Development Area (KDA1)

The development site was located within KDA1 – ‘Dublin Road’, one of five Key Development Areas (KDAs) that were to accommodate growth in Clane during the plan period. Section 12.2.1 & Fig 12.2 provides an analysis of the potential development in KDA1.

The vision for KDA1 was for the extension of the urban area of Clane through new residential development and open space and amenity, with a high quality permeable urban form, which protects natural heritage and delivers important connectivity to the River Liffey and to the future town park. The plan went on to set out a design brief for KDA-1 under the headings of connectivity and movement, built form and landscape and spaces.

Phasing:

Schedule of Phasing Section 13.2.1 provided the following phasing strategy for KDA1:

- Road Upgrade of Celbridge Road / Brooklands junction to be completed prior to commencement of development.
- Extend riverside footpath from Alexandra Walk into the Strategic Open Space lands along the River Liffey (along extent of new residential zoning). To be completed prior to the commencement of Dwelling no. 101 in KDA1.
- Pro-rata childcare provision at a rate of 0.13 childcare spaces per dwelling for dwellings 1-100 to be completed prior to the commencement of dwelling no. 101 in KDA1. Pro-rata provision for remainder to be completed prior to the completion of development on zoned lands in KDA1.

Density: Table 4.1 *Estimated Residential Capacity*, estimated the density of development within KDA1 as 26 per ha with an overall estimated residential capacity for 161 units on a net developable area of 6.2 ha (*final figures to be determined at design stage)

5.3. National Policy and Guidance

5.3.1. ***Project Ireland 2040 - National Planning Framework (NPF)***

National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040 (5.85 million). The strategy to accommodate this growth in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth, Sustainable Mobility, Enhanced Amenity and Heritage, a Low Carbon and Climate Resilient Society and the Sustainable Management of Water, Waste and Environmental Resources

5.3.2. ***Draft Revised National Planning Framework***

The Government released the updated Draft Revised NPF in November 2024 and agreed new population targets. This draft document focuses on the need to update the NPF in order to appropriately reflect changes to government policy that have taken place since its initial publication six years ago, such as climate transition, regional development, demographics, digitalisation and investment and prioritisation.

The Draft Revision predicts that the population of Ireland will increase to approximately 5.7 million by 2030 and to 6.1 million by 2040

The Draft Revision notes that Kildare as part of the Mid-east region, has experienced high levels of population growth in recent decades, at more than twice the national growth rate. Census data indicates that this pattern is continuing with population growth in the Mid-East exceeding the national average rate in the 2016 to 2022 period. Managing the challenges of future growth is critical to this regional area. A

more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs, including in particular social and community infrastructure in areas such as education and amenity, and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be infrastructure led and primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.

5.3.3. *The Regional Spatial & Economic Strategy 2019-2031 (RSES) Eastern & Midlands Regional Assembly (EMRA)*

This RSES provides for the development of nine counties including Kildare and supports the implementation of the National Development Plan (NDP). Clane is located within the Core Region of Dublin. Table 6.1 Clane is identified within the Level 3 Town and/or District centres and Sub County Town Centre (Key Service Centres).

Regional Policy Objective 4.1: - In preparing core strategies for development plans, local authorities shall determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, within the population projections set out in the National Planning Framework to ensure that towns grow at a sustainable and appropriate level, by setting out a rationale for land proposed to be zoned for residential, employment and mixed-use development across the Region. Core strategies shall also be developed having regard to the infill/brownfield targets set out in the National Planning Framework, National Policy Objectives 3a-3c.

Regional Policy Objective 4.83: - seeks to support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the cores strategies of the county development plans’.

5.3.4. *Climate Action and Low Carbon Development (Amendment Act):*

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

5.3.5. *Climate Action Plan 2024 (CAP)*

The Government of Ireland's Climate Action Plan was first published in June 2019 by the Department of Communications, Climate Action and Environment. The Climate Action Plan 2024 (CAP24) is the third annual update. This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

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

The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy

Framework Directive, and other relevant legislation, strategy and policy where applicable.

- 5.3.7. ***The National Transport Strategy for the Greater Dublin Area 2016-2035*** provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) over the next two decades. It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

5.4. Section 28 Guidelines

- 5.4.1. ***Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024)*** sets out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued as Ministerial guidelines under Section 28 of the Act in 2009, which in turn replaced the Residential Density Guidelines issued in 1999. They build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.

In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).

- 5.4.2. ***Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2023*** set out national policy and standards for

apartment development, in order to ensure greater consistency of national policy across local authority areas. This includes recommended standards in relation to housing mix and minimum floor areas.

5.4.3. ***The Urban Development and Building Height Guidelines for Planning***

Authorities 2018 set out national policy considerations in relation to building height in order to guide planning authorities in developing local planning policy and in determining planning applications. These Guidelines reinforce the national policy objectives of the NPF relating to compact growth and set a framework for a performance-based approach to the consideration of building height.

5.5. **Natural Heritage Designations**

5.5.1. The appeal site is not located on or adjacent to any designated site. The Ballynafagh Bog SAC (Site Code: 000391) and the Ballynafagh Lake SAC (Site Code: 001387) are located c6 and c7 kilometres to the west of the subject site respectfully. The Ryewater/Cartron SAC (Site Code: 001398) is located c12.5 kilometres to the north-east of the subject site while the Mouds Bog SAC (Site Code 002331) is located c11 kilometres to the south-west of the subject site.

5.5.2. The River Liffey flows along the eastern boundary of the site. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206), the North Bull Island SPA (Site Code: 004006) and the South Dublin Bay and Tolka Estuary SPA (Site Code: 004020). As the crow flies, the separation distance between the subject site and the ABP309367-21 Inspector's Report Page 40 of 55 SACs in question is over 30 kilometres. The distance via the river flow is in excess of this distance.

5.6. EIA Screening

- 5.6.1. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- (i) Construction of more than 500 dwelling units
 - (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. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)
- 5.6.2. In the Instance, an Environmental Impact Assessment Report (EIAR) would be mandatory under Class 10(b) if the proposed development included 500 or more residential units or an urban development on an area greater than 10 hectares. The proposal is for the construction of 51 no. residential units and a creche facility on a 3.89ha site and is therefore significantly below the threshold for mandatory EIAR.
- 5.6.3. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. An EIAR has not been submitted nor has an EIA determination been requested.
- 5.6.4. Notwithstanding the above, I note that the proposed development site forms part of a wider land holding under the control of the applicant and that part of this holding was identified for new residential development, as Key Development Area 1 (KDA 1) in the Clane LAP (now expired). I further note the stated intention of the applicant to develop these lands in four phases, with this 51-unit scheme representing part of

Phase 1 (Phase 1b) and with Phase 2 complete and Phase 3 now under construction (Refer to Section 5.0 Planning History for details). The applicant's 'Masterplan' for KDA1 if completed would reach the 10ha threshold for mandatory EIA, which raises the concern of 'project splitting'. However, I note that the applicant originally sought to develop these lands under a single SHD application (ABP 308943-20 - final decision outstanding) and that this development proposal is subject to EIA. On this basis, I am satisfied that the applicants phased approach to the development of these lands is not intended to avoid the need for an EIA or to evade obligations pursuant to the EIA Directive.

- 5.6.5. Excluding the SHD application, the proposed development when taking into consideration with the existing / permitted / proposed development on this land holding would amount to a total of 183 units on an overall site area of c8.5ha, which would be below the threshold for mandatory EIAR. The phased development of these lands, as proposed, would reduce the potential for significant impacts. Regarding the future development potential for the remainder of KDA1, it is noted that the *Clane Local Area Plan 2017-2023*, under which the lands were zoned and identified for development has now expired and as such the development potential for these lands is uncertain. Notwithstanding, I note that any future development would be subject to EIA Screening.
- 5.6.6. In light of the above and having carried out a preliminary examination of the project (see completed Form 2) I am satisfied that the need for EIA in respect of this proposed scheme can be excluded.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Third Party Appeal

A third-party appeal has been lodged by Clane Community Council against the decision of Kildare County Council to grant permission for the development of lands at Capdoo and Abbeylands, Clane, Co. Kildare. The grounds of appeal raise various

concerns on issues relating to population growth, climate change, public transport, and the 'phased' approach to the development of these lands. The grounds of appeal can be summarised as follows:

- The main area of concern relates to the extent of residential development that has occurred in Clane and the surrounding area in recent years and the significant pressure that this has put on local infrastructure and services including GP services, school places and public transport. The appellant calls for the balanced delivery of residential growth in tandem with services and infrastructures in accordance with the provisions of the NPF, RSES and KCDP.
- The Grounds of Appeal include on page 7, Table 1 and Figure 2 (map) and on page 8 Figure 3 (graph) which detail the residential developments that have been permitted in Clane since 2017 and the adoption of the Clane LAP.
- Given the extent of permitted and proposed residential development in Clane (including the 51no units proposed under this application) the housing targets for the settlement as set out in the KCDP will be exceeded.
- The *Clane Local Area Plan 2017-2023* (Clane LAP) was adopted on the 6th of June 2017. There is no public record that the LAP was extended by resolution on or before the 6th of June 2023.
- Existing and proposed development in Clane is car dependent. This is set to continue as there are no plans to invest in a high-capacity public transport corridor that directly connects Clane. The submission emphasises the need to curtail car dependent growth in satellite towns outside the Greater Dublin Area.
- Existing public transport services fail to provide an adequate service for commuters. The grounds of appeal note that the NTA imposed fines on a private bus operator due to calculations and delays on the 120-bus route serving Clane.
- Traffic in and through the town, including HGV traffic from construction, has increased significantly, resulting in congestion. Clane has limited road

infrastructure with only part of the planned Clane Ring Road completed to date.

- As detailed on P13 of the Traffic Impact Report, the development of these lands is dependent on vehicular connection to Alexander Walk, which is not proposed as part of this application.
- Reference is made in the grounds of appeal to the designation of Clane as a 'Self-sustaining Town' in the *Kildare County Development Plan 2023-2029* contrary to the recommendations of the Chief Executive and the Office of the Planning Regulator.
- The submission references Irelands International obligations to combat climate change and the policy context at National, Regional and Local level to address same.
- Reference is also made to: Section 15 of the *Climate Action and Low Carbon Development Act* which requires public bodies to be consistent with (inter alia) the most recent approved Climate Action Plan in the performance of their functions; to the various recommendations of the Climate Change Advisory Council and to the *NTA's Transport Strategy for the Greater Dublin Area 2016-2035*.
- Regard is had to the role of spatial planning in the reduction in greenhouse gas emissions and the negative consequences of continued urban sprawl and car dependency.
- Regarding the applicants "phased" approach to the development of lands at Capdoo and Abbeylands, the grounds of appeal state that this application must be seen in the wider context of the applicants' aspirations to construct a very high number and density of dwellings on a scale far in excess of the numbers set out for the lands in the Clane LAP (161units).
- The grounds of appeal refer to the displacement of zoning for education and community needs (Note: this issue would appear to relate to the Abbots field Development on lands identified as KDA-4 in the Clane LAP).
- The submission includes in Appendix 2 Minutes of Council Meeting held on the in respect of Material Alterations to Draft *Clane Local Area Plan 2017-*

2023. In appendix 3, a collation of drafts, amendments, submissions and decisions on Clane from the preparation by Kildare County Council of the *Kildare County Development Plan 2023-2029*. Appendix 3 also includes Clane Community Council's observations on the submission of Hughes Planning and Development Consultants lodged on behalf of the Westar Group, on the proposed material alterations of the KCDP 2023-2029. In Appendix 4, a news article on the shortage of school places in Ireland. Clane is identified as one of the affected areas.

6.1.2. First Party Appeal

Hughes Planning and Development Consultants, on behalf of the applicants Westar Investments Ltd, have lodged a first party appeal against Condition No's 2, 3 and 28 of Kildare County Council notification of decision to grant permission for the development of lands at Capdoo and Abbeylands, Clane, Co. Kildare. The applicants are seeking the omission of condition 2 and 3 which clarify the number of units permitted within the scheme as 48 (condition 2) and which require the omission of 3no. housing units in lieu of public open space provision (condition 3). The applicants are also seeking to amend the wording of condition no. 28 which currently restricts weekday working hours for construction to between the hours of 0800 and 1800.

The grounds of appeal can be summarised as follows:

- The proposed scheme includes for 23,760.6sqm of public open space which equates to 64.5% of the net red line boundary area (3.68ha).
- The proposed area of public open space includes provision of a linear park along the River Liffey which represents a significant undertaking and investment by the applicant and a significant public gain for residents.
- 2,476sqm of public open space is proposed to the north of the site. This equates to 13% of the residential zoned land within the application site. This would accord with the standards set out in the new Sustainable Residential Development and Compact Settlement Guidelines in respect of public open space provision.

- The quantum of public open space provided within the scheme is sufficient and the removal of three dwellings to provide limited additional public open space is wholly excessive and unnecessary.
- The applicants request that hours of operation during construction be extended to between 0700 and 1900 on the grounds that there does not appear to be any substantial rational for the imposition of stricter working hours by the planning authority.

6.2. Applicant Response to Third Party Appeal

The applicant's response to the issues raised in the third-party grounds of appeal can be summarised as follows:

- Regarding the appendices and commentary in the grounds of appeal referencing the applicant's participation in the planning process and in the making of the Kildare County Development Plan etc, such references are considered irrelevant to this appeal. The applicants are entitled to participate in the making of a plan.
- Regarding the designation of Clane as a 'Self-Sustaining Town', the applicants response document notes that this decision was made through a democratic process, by elected members of Kildare County Council. It further notes that OPR could have issued a Draft Ministerial Direction, recommending that the local authority address any inconsistencies they deemed to be of significant. The OPR did not do so.
- Regarding the status of the Clane LAP, reference is made to the statement on Kildare County Council's website, under the section 'Current Local Area Plans' which states that 'Kildare County Council will have regard to the following adopted Local Area Plans until such time as they are reviewed or another plan made'. The Clane LAP is listed as one such LAP.
- Notwithstanding, the proposed scheme accords with the provisions of the KCDDP 2023-2029. The overall landholding has been earmarked for growth for residential development for a number of years with the principle of same

being established by virtue of the various grants of permission which have been issued.

- The growth of Clane is consistent with the growth of other towns in North Kildare.
- The response document identifies alleged inaccuracies in Table 1 of the grounds of appeal which details residential development permitted in Clane since 2017. It also notes that many of the developments referenced were permitted prior to the adoption of the Clane LAP in 2017 and the KCDP 2017-2023 and therefore relate to housing allocation targets included in prior plan cycles. The response document alleges that housing allocation targets set for Clane under the KCDP 2017-2023 were not met.
- The proposed development is to be assessed under the KCDP 2023-2027 which provides a housing allocation for Clane of 219no.units. At the time of writing this appeal no other multi-unit schemes have been granted the proposal would therefore accord with the Core strategy of the current KCDP.
- Whilst it is acknowledged that the Core strategy for Clane could be breached if all current proposed schemes were approved, this could be resolved through the application of appropriate conditions by the Board (restricting occupancy / delivery of units).
- Failure to meet the 219 housing target would be contrary to National, Regional and Local level policy.
- Regarding the capacity of local infrastructure to cater for the proposed development the appellants response document refers to the Social and Community Infrastructure Audit submitted to the planning authority at RFI stage. It is contended that the applicants have clearly demonstrated that the existing social and public infrastructure within the town has the capacity to absorb the proposed development. The proposal on account of its location within walking distance of the town is fully in accordance with the core principles of plan-led sustainable development.
- Regarding Climate Action, the appeal response document notes that climate change is accepted as a global challenge which requires climate action

responses in adaption and mitigation to ensure a healthy, economically thriving and liveable built environment.

- The Kildare CDP was formulated having regard to National, European and International guidance and frameworks on Climate Change, including Kildare's Climate Adaption Strategy 2019-2024 and Climate Action Plan 2024-2029. The applicant in developing the scheme had full regard for Climate Action Policies and objectives included in the KCDP.
- In response to concerns of urban sprawl, the response document notes that the proposed development is located on land which has been zoned and earmarked for growth as part of the Clane LAP. The lands are within the settlement boundary of the town, are within walking distance of the town centre and are easily serviced. The development of these lands would accord with compact growth and the concept of the '10-minute settlement'. The location of the proposed development in proximity to the town centre is an effective measure to reduce the need for short car trips to and from the site and in turn car dependency.
- Recent CSO figures indicate a 6.6% decline in commutes to work or school for the Clane Electoral division. The Mobility Management Plan submitted with the application includes a number of mobility objectives for the development and projects a decrease in car-usage on site compared to the car usage percentage taken from CSO statistics.
- In terms of public transport, the response document details the number and frequency of bus services serving Clane. It is contended that public transport infrastructure, whilst in need of continued investment is sufficient to cater for the need of future residents of the proposed development.
- Regarding the applicants 'phased approach' to the development of lands in KDA1, the response document outlines that the applicant opted for this approach to ensure compliance with the core strategy and housing target for Clane and to ensure the timely delivery of residential development on zoned land.

6.3. Planning Authority Response

- The Planning Authority confirms its decision and refers to the planning reports, internal department reports and prescribed bodies reports in relation to the assessment of this planning application.

6.4. Observations

- None

7.0 Assessment

7.1. Introduction

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

- The Principle of the Development
- Core strategy – Compliance with Housing / Population Targets
- Compact Growth
- Development Capacity of Clane
- Compliance with the Sustainable Residential Development and Compact Settlement Guidelines
- First Party Appeal - Conditions
- Other
- Appropriate Assessment

7.2. The Principle of the Development

- 7.2.1. This appeal relates to a proposal for the construction of 51 residential units, a creche and c1.83ha of public park land on a 3.89ha site in Clane, Co. Kildare. The appeal site forms part of a c23ha parcel of land on the eastern periphery of Clane, that was identified as a key development area – KDA1 – Dublin Road, in the *Clane Local Area Plan 2017-2023* (Clane LAP).
- 7.2.2. KDA1 comprised lands zoned ‘New residential’ and ‘Open Space and Amenity’ as well as lands identified as a Strategic Reserve. KDA1 has been subject to several planning applications in recent years, (please refer to Section 5 Planning History for details). To date permission has been granted for a total of 93no residential units and c1.83ha of park land under two separate applications (**KCC Ref:21/1400** and **ABP-314802-22**). The area of parkland permitted under **ABP-314802-22**, corresponds with that currently proposed. The permitted developments also include for road upgrades at the Junction of Brooklands Estate and the R403, vehicular and pedestrian access to KDA1 lands off the main distributor road serving Brooklands and pedestrian access to Alexandra Walk. The principle of residential / open space development on KDA1 lands has to date been supported by the zoning objectives and development management criteria (indicative design brief and phasing) set out in the Clane LAP.
- 7.2.3. The Clane LAP was adopted by members of the Maynooth Municipal District on 10th May 2017 and came into effect on the 6th of June 2017. In accordance with Section 1.2 of the Clane LAP, the plan was to remain in force for a period of 6 years. This six-year period has now lapsed. The Clane LAP was not extended by resolution, nor was it incorporated into the current KCDP (2023-2029). Therefore, it is my opinion that the Clane LAP has expired and as such the land use zoning objectives assigned to the appeal site under this plan, no longer apply.
- 7.2.4. While I note statement of Kildare County Council on their website under the heading ‘Current Local Area Plans’ ([Current Local Area Plans - Kildare County Council](#)) that the Council will ‘have regard to’ adopted Local Area Plans (including the Clane LAP) until such time as they are reviewed or another plan made, I am not satisfied that this statement alone provides sufficient statutory basis for the implementation of the policies and objectives outlined in the plan. Therefore, it is my opinion that the

subject lands are, unzoned. While the development of unzoned lands is not precluded in the Kildare County Development Plan, I would be of the opinion that any such proposals should be carefully considered in that they should be adequately supported by relevant local and national planning policy and that they should be appropriate in the context of the site and its location.

7.2.5. Regarding the above, I note the various issues / concerns raised in the grounds of appeal, including (inter alia) that:

- The proposed development would, in conjunction with existing permitted development, result in the housing / population targets for Clane being exceeded contrary to the Core Strategy.
- The settlement of Clane has experienced extensive residential growth in recent years and that this growth has not been met with the requisite infrastructure and services to meet the needs of residents and the pressure that this has put on existing infrastructure and services.
- The development of this site, due to its location on the periphery of Clane with inadequate public transport would contribute to urban sprawl and car dependent residential development, contrary to National, Regional and Local Planning and Transport Policy which support efforts to combat climate change.

These issues are considered in the following sections of this report.

7.3. Core Strategy – Compliance with Housing / Population Targets

7.3.1. The Core and Settlement Strategies for Kildare are set out in Chapter 2 of the *KCDP 2023-2029*. Their aim is to provide for the delivery of an additional 9,144 housing units to accommodate an additional 25,146 people by the end of the Plan period, and to continue to create the environment to retain existing and attract new employers to locate in County Kildare through the delivery of sustainable, compact settlements supported by a commensurate level of physical, social and green infrastructure to mitigate against climate change and enhance the quality of life for residents.

- 7.3.2. Clane is now listed as a 'Self Sustaining Town' in the Settlement Strategy, having been upgraded from a 'Town' in the previous County Development Plan (KCDP 2017-2023). Self-sustaining towns are described as having a high level of population growth and a weak employment base which are reliant on other areas for employment and/or services, and which require targeted 'catch up' investment to become more self-sustaining. The preferred development strategy for these settlements as stated in the KCDP 2023-2029 is measured growth with emphasis on economic growth.
- 7.3.3. In accordance with the information provided in Core Strategy Table 2.8, Clane, had a recorded population of 7,280 in 2016, representing 3.27% of the total population of the County. The core strategy estimated the 2021 population for Clane at 7,702. However, more recent data from the CSO has confirmed that the population of settlement in the 2022 Census was 8,152, c872 or 12% above the predicted 2021 population.
- 7.3.4. The Core Strategy allocates a housing target of 219 units to Clane for the period 2023 to the end 2028. This figure is based on a 2.4% share of the overall housing and population target for the county (9,114). The proposed scheme incorporating 51no residential units would account for approximately 23% of the total housing allocation for the settlement over the plan period. As the *KCDP 2023-2029* has not yet been updated to align with Census 2022 population figures, the population and housing targets set out in the plan remain relevant to this assessment.

Recent Housing Permissions in the Clane Area

- 7.3.5. I have consulted Kildare County Councils online planning system, Geohive - Ireland's National geospatial data hub, and An Bord Pleanála's in house mapping system and I am aware of four multi-unit residential schemes that have been granted in Clane since the adoption of the KCDP 2023-2029, these are outlined in the Table below.

Reference	Decision Date	No. of Units Permitted	Notes

KCC Ref:23972 amended on foot of KCC Ref: 24245	15 th March 2023	190	This permission authorises the construction of 190 dwelling units over 8 years. Scheme. Condition 6 of KCC Ref:24245 requires that the Link Street serving these lands be fully completed prior to occupation of the 51 st unit.
ABP 314802-22	25 th March 2023	59	Part of KDA1 lands currently under construction
KCC 24140	18 th June 2024	14	
KCC2460485	17 th September 2024	20	
Total		283	

Table 10.1 - Housing Permissions in Clane since the adoption of the KCDP 2023

- 7.3.6. These four extant permissions would allow for a total of 283 new residential units which, if implemented during the remainder of the plan period, would exceed the housing target for Clane by c29%.
- 7.3.7. The potential for the proposed development to breach the current core strategy housing target for Clane is acknowledged by the applicants in their response document (March 2024). However, it is contended that this issue could be addressed through the application of appropriate phasing conditions by the Board which would restrict the occupancy / delivery of units until the KCDP 2023-2029 has been updated to align with the population figures from Census 2022 (as per Objective CS O19). The case is made that the housing allocation targets for Clane provided within the previous KCDP (2017-2023) and in Variation 1 of KCDP (2017-2023), were not met and that a continuation of this trend under the current development plan, *KDCP 2023-2029*, would contribute to a shortage of homes in the Clane area.
- 7.3.8. While I note the arguments presented by the applicants, the housing target for Clane as set out in the KCDP 2023-2029 has already been allocated through the grants of permission outlined above, which include for the construction of 59 units on the applicant's land holding (ABP 314802-22). In my opinion, to permit a further 51no units above the prescribed housing target for Clane, in the circumstance where the

Clane LAP has expired, would be contrary to the proper planning and development of the area. Furthermore, I note that such a proposal would be contrary to the KCDP 2023-2029 Objective CS 01 which seeks to *‘ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the ‘Housing Supply Target Methodology for Development Planning’*. I recommend that planning permission be refused on this basis.

7.4. Compact Growth

- 7.4.1. The National Planning Framework (hereafter NPF) is the Government’s high-level, strategic plan for shaping the future growth and development of the country to 2040. The NPF forecasts that Ireland will continue to experience population growth above the EU average over the next 20 years, with an expected increase of around one million people above 2016 levels by 2040. The strategy to accommodate this growth in a sustainable way focuses on 10 national strategic outcomes that include Compact Growth.
- 7.4.2. The NPF priorities for compact growth include an emphasis on the renewal of existing settlements, rather than continued sprawl. This priority recognises the impacts that our dispersed settlement pattern is having on people, the economy and the environment. There is a recognition that dispersed settlement patterns contribute to the decline of urban centres and to reliance on the private car while also creating a higher demand for infrastructure and services. In contrast, a more compact urban form of development helps to reduce the need to travel, promotes more sustainable modes of transport, provides critical mass that supports improved public transport and mitigates climate change.
- 7.4.3. Informed by the NPF, the *KCDP 2023-2029* seeks to achieve a more consolidated urban form through the promotion of compact growth (Objective CS O5) and aided by the delivery of the ‘10-minute settlement’ concept (Objective CS O13).

- 7.4.4. The central idea of the '10-minute settlement', is to create integrated communities that provide high quality and safe links to public transport, local shops and services, amenity areas, places of employment and to other neighbourhoods. Essentially, the concept provides for settlements to be designed to reduce the overall need to travel while also allowing for sustainable transport options (walking and cycling) to become realistic and convenient alternatives to the car for short trips, therefore reducing carbon emissions.
- 7.4.5. The proposed development site comprises an area of predominantly green field on the eastern periphery of the built-up area of Clane. Third parties are concerned that the development of these lands as proposed, would contribute to urban sprawl and car dependency, contrary to the principle of compact growth and efforts to reduce carbon emissions.
- 7.4.6. Whilst I do acknowledge that the proposed development site does occupy a peripheral location and that the proposed scheme would essentially comprise a 'greenfield' development, I note that the lands in question are contiguous to the existing built-up area of Clane, and that they directly adjoin the existing residential developments of Hamilton Park to the west and Brooklands to the south. If permitted the proposed development would read as part of the established built-up area with existing, under construction (**ABP - 314802-22**) and proposed developments benefiting from shared infrastructure and services, including the proposed childcare facility and public park.
- 7.4.7. The proposed development would be well connected with direct pedestrian /cycle linkages into the neighbouring residential development Brooklands and Alexander Walk. The proposed development site is within 1km (c850m) of Clane Town Centre and c500m of existing retail offerings (Lidl and Tesco Express) on the R403. The R403, accessible from the proposed development site via Brooklands, is adequately served by pedestrian infrastructure. The level of permeability and connectivity benefiting the site will encourage more sustainable modes of transport (walking and cycling) leading to a reduction in car dependency. However, the lack of employment opportunities in Clane and the need to travel to higher order settlements for employment is noted.

- 7.4.8. Clane is served by public transport. The R403 is served by an existing bus route (120) which is provided by 'Go Ahead' under contract with the NTA. The 120-bus route operates 36 services daily to Dublin and 37 returning with a reduced service on 26 buses on Saturday and 13 on Sunday in either direction. An additional bus route 139 on the R407 offers daily services operating from Naas, Salins, Maynooth, Leixlip, Ongar and Blanchardstown with 18 round trips per day. Access to the R407 from the R403 / proposed development site will be improved following the completion of the new link road (incorporating cycle tracks and footpaths) permitted ABP-304632-19 (SHD currently under construction).
- 7.4.9. In light of the above, I am satisfied that notwithstanding the peripheral location of site, the development of these lands as proposed would accord with the 10-minute settlement principle and the creation of a compact settlement in accordance with KCDP Objectives CS O13 and CS O5.

7.5. Development Capacity of Clane

- 7.5.1. Notwithstanding my conclusions on compact growth, I note the concerns raised in the grounds of appeal regarding the extent of residential development that has occurred in Clane in recent years and the significant pressure that this has put on local infrastructure and services. Essentially, the concern is that the proposed development would, in conjunction with existing permitted developments, place an unacceptable burden on the existing capacity of social infrastructure in the town to the detriment of both existing and future residents. The appellants raise concerns in relation to the availability of school places, GP services and public transport.
- 7.5.2. It is a stated objective of the current KCDP (SC O16) to require residential schemes of 20 units or greater to submit a Social Infrastructure Audit (SIA). As set out in Section 15.5.1 of the *KCDP 2023-2029*, SIAs shall include current provisions in relation to childcare, education, health, community, sporting, open space, and recreational facilities in the vicinity (e.g., within a 10–15-minute walk) of the proposed development. The audit must outline available capacity within each facility and identify deficits that exist in such infrastructure, taking into consideration any extant

permission for residential development in the area. Where deficits exist, the applicant shall propose measures within the development proposal to address same and / or may be required by the Planning Authority to contribute towards developing such infrastructure in the area by means of conditions to the permission through the development contribution scheme. In cases where social infrastructure deficits are not addressed, permission may be refused.

7.5.3. A SIA, entitled Social and Community Infrastructure Audit was submitted by the applicants on the 19th of December 2023 in response to a further information request issued by the planning authority on the 14th of August 2023. The stated purpose of this document is to establish the existing level of services and facilities that are available within an accessible range (e.g. within a 10 to 15-minute walk) of the subject site and the surrounding area, taking into consideration their capacity to accommodate the proposed development. This SIA contains an audit of the existing social infrastructure in the area relating to:

- Childcare Facilities.
- Education Facilities
- Healthcare Facilities
- Public Transport Facilities
- Community Facilities and
- Sporting, Open Space and Recreation Facilities.

7.5.4. The SIA considers the likely demand on services generated by the 51 no. units currently proposed, and the 34 no. units permitted under KCC Reg. Ref: 21/2400 (now completed and occupied - Hamilton Park). It is of relevance to note that the SIA predates the granting of planning permission for an additional 283 no. units in Clane, including 59 no units within the applicant's landholding (see Table 10.1 above). It is also of relevance to note that the applicants are seeking planning permission for further residential development on this land holding under two separate but interlinked planning applications both of which are currently under appeal (ABP-309367-21 and ABP-317695-23). If permitted, one or both applications would result in an additional 39 to 40 no. units above that currently proposed.

Childcare Facilities.

- 7.5.5. In terms of childcare, the SIA identifies six facilities operating in Clane, five of which were confirmed as being at capacity with the capacity of the remaining facility unverified. This would suggest a deficiency in childcare facilities in the town. The SIA notes the planned opening of a new facility in January 2024 with capacity for 62 no. pre-school places (age 0-4) and 44 no. afterschool places (age 5-12), the status of this facility is unknown.
- 7.5.6. The SIA confirms that the proposed scheme would generate a demand for 9 no childcare places. The proposed scheme includes for the provision of a new childcare facility with capacity for 76 no. children. This would be sufficient to cater for the demand generated by the proposed development with sufficient capacity to cater of existing / future developments in the wider area. I note that an additional childcare facility is to be delivered as part of the LRD permitted under **KCC Reg. Ref: 23/972**. Overall, I am satisfied that the identified deficiency in childcare facilities in Clane is being addressed.

School provision:

- 7.5.7. Regarding school provision, the SIA lists and assesses the enrolment figures of the five school facilities serving Clane, comprising three primary and two post primary schools (one of which is a fee-paying boarding school serving the entire country).
- 7.5.8. The SIA notes that planning permission has been granted in recent years for extensions to each of Clane's three primary schools and to Scoil Mhuire post primary School. Permitted works to Scoil Phadraig Boys Primary School have since been completed. The SIA also notes proposals for the demolition of St. Faman's Post Primary School in Prosperous and its replacement with a new 1000 pupil school. It is contended that this development would free up capacity within Scoil Mhuire. I note, following a review of Kildare's, online planning system that the redevelopment of St. Faman's has been assessed by Kildare County Council with notification of their decision to grant permission issued on the 13th of December 2024 (**KCC Reg. Ref: 2460132**).

- 7.5.9. The applicants in section 6.2 of their response document (March 2024) reference Page 22 of the Clane LAP which notes that the Department of Education and Skills *has indicated that no additional sites are required to be identified for school provision within the lifetime of this LAP. The Department advises that the growth envisaged under the LAP could generate a need for an additional 8 primary classrooms and 144 post primary places and that these places are provided for under approved extension works.* The Board will note that the growth envisaged for Clane up to 2023 was 780. Based on information provided by the Applicants, c941 units have been granted in Clane since 2017, c161 units above that envisaged in the Clane LAP.
- 7.5.10. The SIA estimates that the proposed scheme in isolation, would generate a demand for an 31 no school places, which is not significant. However, the SIA fails to consider the full extent of new residential development that has been granted in Clane in recent years (extant permissions). It also fails to establish the available capacity within schools to accommodate this growth.

Health Care – GP services.

- 7.5.11. Section 7.4 of the applicants SIA identifies 23 no. healthcare facilities in the Clane / Prosperous area, including GPs, health centres, pharmacy care, veterinary care etc. While I am satisfied, based on the information provided, that Clane is served by a range of healthcare facilities, I note that the concerns of the appellant relate specifically to GP services. The SIA states that there are five medical clinics / GP surgeries in the area (including a Disabled Network Team), and I note that permission was granted in May 2024 for a new GP facility on Clane Main Street (KCC Reg Ref: 24/67). However, the SIA again fails to outline the available capacity within existing / planned GP facilities and in the absence of same, it cannot be determined whether a deficiency exists or is likely to occur because of the proposed development.

Public Transport

- 7.5.12. As noted previously, Clane is served by public transport in the form of two bus routes, namely the 120-bus route that offers daily services to Dublin City Centre and

the 139- bus route which offers daily services to local towns and connecting with rail services at Sallins and Maynooth. The appellants have raised concerns regarding the reliability of such services noting that the NTA has previously imposed fines on the operator of the 120-bus route due to cancelations and delays. This issue is addressed by the applicants in Section 6.4 of their response document (March 2024). In accordance with the details provided, the applicants raised the issue of public transport capacity with the NTA in early 2023 with the NTA confirming that they have not received any reports from service providers to indicate that there are capacity issues on this route corridor. The applicants are satisfied that public transport infrastructure serving the town, whilst in need of continued investment, is sufficient to cater for the needs of future residents.

Other social and community infrastructure:

- 7.5.13. The SIA lists a range of services and amenities currently available in Clane, including but not limited to various sports clubs, a local drama society, choir, scout groups and a library. It also notes that the town is served six large grocery stores, three of which are within a 10-minute walking distance of the appeal site. The applicants are proposing as part of this application, c1.8ha of public park land (previously granted under **ABP- 314802-22**, now under construction) and have separately been granted planning permission for a town park of c16.5ha on lands to the north (**KCC Reg. Ref: 2360433**). I am satisfied that Clane is adequately served in terms of retail, community, sporting, open space, and recreational facilities.

Conclusion:

- 7.5.14. When considered in isolation the proposed development of 51no residential units would be unlikely to have a significant impact on existing services and facilities in Clane. However, given the extent of new residential development that has been permitted in Clane in recent years, which would see the Core Strategy population and housing targets for the settlement being exceeded, and the concerns raised by third parties, there is I consider potential for the proposed development (in conjunction with other extant permissions for residential development) to place an unacceptable burden on the existing services and social infrastructure in Clane.

While an SIA has been submitted in support of the application, this document is now outdated, and it fails to adequately demonstrate that social and community facilities in the area are sufficient to meet the needs of future residents.

7.6. Compliance with the Sustainable Residential Development and Compact Settlement Guidelines

7.6.1. The Sustainable Residential Development and Compact Settlement Guidelines came into effect on the 24th of January 2024, following the lodgement of this application with the planning authority. These Section 28 Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. In accordance with the provisions of Section 34 of the Act, when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs). Therefore, I consider it necessary to assess the proposed scheme against the provisions of the Sustainable Residential Development and Compact Settlement Guidelines (hereunder referred to as the Compact Settlement Guidelines or Guidelines). I proposed to do so under the following headings:

- Density
- Separation Distances
- Private Open space
- Car Parking
- Cycle Parking
- Daylight

Density:

7.6.2. Under the Compact Settlement Guidelines, Clane with a population in the region of c8,000 persons would fall within the definition of a 'Large Town'. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph

(net) shall generally be applied at suburban and urban extension locations of Key Towns and 'Large Towns', and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations.

7.6.3. The proposal is for the construction of 51 residential units on a 3.89ha site (gross) on the periphery of Clane. Excluding lands dedicated to the linear/neighbourhood park (c1.83ha) and allowing for a reduction in the site area to reflect the proposed non-residential use (Creche), as per the recommendations of the Guidelines, I calculate a site area of c1.88ha for density purposes. This would equate to a net residential density of 27units/ha. The density of the development proposed therefore falls well below the recommended density range set out in the Guidelines. It would also fall below the indicative density levels for new residential development on the outer suburban/greenfield sites in larger towns 30-50dph as set out in Table 3.1, Chapter 3 of the KCDP 2023-2029. However, I note that if permitted the proposed scheme would read as part of the constructed / under construction residential developments permitted under **KCC Ref: 21/1400 and ABP-314802-22**, with shared streets and open spaces etc. As such, I think that it would be reasonable to consider the density of the proposed development in context with these permitted developments.

7.6.4. I estimate that the three developments combined would result in a net density in the region of 29units/ha (a total of 144no. units on a net site area of in c4.9ha). While this would still be below the recommended density range for this urban extension area, the shortfall would not be significant. In my opinion, the proposed scheme would accord with the prevailing pattern of development in the area and would provide for an appropriate mix of house type and tenure, including apartments which would contribute to the overall housing stock of Clane. Therefore, while I do consider that the site could accommodate a higher density than that proposed, I would not recommend that permission be refused on this basis.

Separation Distances

7.6.5. The Compact Settlement Guidelines in Section 5.3.1 counsel that the traditional requirement for separation distances of 22 metres between opposing upper floor rear windows does not account for modern methods of design and construction and that

separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. It is a specific planning policy requirement (SPPR1) that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. Separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces

- 7.6.6. Following consideration of the plans and particulars submitted with the application I am satisfied that separation distances of at least 16m as prescribed in the guidelines are achieved throughout the development.

Private Open Space

- 7.6.7. The Guidelines in section 5.3.2, recognise that well-designed private open space forms an integral part of houses and is essential for health and wellbeing. In terms of providing standards for private open space the guidelines advocate a graduated and flexible approach that supports the development of compact housing and that takes account of the value of well-designed private and semi-private open space. It is a specific planning policy requirement (SPPR2) of these Guidelines that proposals for new houses meet the following minimum private open space standards:

- 1 bed house 20 sq.m
- 2 bed house 30 sq.m
- 3 bed house 40 sq.m
- 4 bed + house 50 sq.m

- 7.6.8. The Housing Quality Assessment submitted with the application indicates that each of the proposed housing units will have the benefit of a rear private garden ranging in the order of 60.4sqm to 122.68sqm, exceeding the minimum standards set out in the Guidelines.

Car Parking:

7.6.9. Section 5.3.4 of the guidelines provides clarity in relation to the quantum, form and location of car parking for new residential development. It is a specific planning policy requirement of these Guidelines (SPPR3) that in intermediate and peripheral locations, such as the appeal site, the maximum rate of car parking provision, shall be 2 no. spaces per dwelling. The proposed scheme of 51 units provides for a total of 126no car parking spaces. Parking is allocated at a rate of 2no car parking spaces for each of the 35no houses. The maisonettes / apartment units are allocated a total of 30no spaces which equates to c1.9 spaces per unit, including visitor spaces. The remaining 26no spaces are allocated to the Creche facility. The quantum of parking proposed is I consider acceptable at this location.

Cycle Parking:

7.6.10. In terms of bicycle parking, SPPR 4 requires that all new housing schemes (including mixed-use schemes that include housing) include safe and secure cycle storage facilities to meet the needs of residents and visitors. The following requirements for cycle parking and storage are recommended:

- (i) Quantity – in the case of residential units that do not have ground level open space or have smaller terraces, a general minimum standard of 1 cycle storage space per bedroom should be applied. Visitor cycle parking should also be provided.
- (ii) Design – cycle storage facilities should be provided in a dedicated facility of permanent construction, within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. Cycle parking areas shall be designed so that cyclists feel safe. It is best practice that either secure cycle cage/compound or preferably locker facilities are provided.

7.6.11. The proposed scheme includes for the provision of a sheltered bicycle parking store to accommodate 32no parking spaces to be shared by the creche and 8no. 2-bed apartments. A further 4 no. visitor spaces, in a outdoor rack is proposed in the public

open space area close to the two maisonette buildings. Each of the proposed maisonette units is provided with a designated sheltered bicycle store in their respective rear garden area. However, bicycle storage for mid-terraced houses has not been provided. I am of the opinion that this issue can be addressed by way of condition in the event of a grant of permission. I would also recommend the provision of an additional visitor parking spaces in the vicinity of the mixed-use apartment / creche facility to facilitate visitors / short term stays.

Daylight:

- 7.6.12. The guidelines in Section 5.3.7 recognise the importance of daylight performance in ensuring a high-quality living environment. The guidelines state that the potential for poor daylight performance in a proposed development or for a material impact on neighbouring properties will generally arise in cases where the buildings are close together, where higher buildings are involved, or where there are other obstructions to daylight.
- 7.6.13. The Daylight Analysis and Overshadowing assessment report submitted at RFI stage considers the impact of the proposed mixed-use apartment / creche building on the adjacent area of open space only. No technical assessment on daylight provision has been submitted. However, I note that all proposed residential units are either dual or triple aspect which should ensure adequate levels of daylight and sunlight penetration. Additionally, having regard to the low-rise nature of the proposed development (2 and 3 stories) and the generous separation distances between existing and proposed buildings, I am satisfied that no undue impact in terms of overshadowing / loss of light would be likely to occur.

7.7. First Party Appeal – Conditions

- 7.7.1. A first party appeal has been lodged against Condition No's 2, 3 and 28 of Kildare County Council decision to grant permission for the development of lands at Capdoo and Abbeylands, Clane, Co. Kildare. The applicants are seeking the omission of Condition 2 and 3 which state the number of units permitted within the scheme as 48 (condition 2) and which require the omission of 3no. housing units in lieu of public

open space provision (condition 3). The applicants are also seeking to amend the wording of condition no. 28 which currently restricts weekday working hours for construction to between the hours of 0800 and 1800.

Conditions 2 and 3:

- 7.7.2. Kildare County Council in their assessment of the application raised concerns regarding the quantum and quality of public open space to serve the 51 no. residential units proposed. This issue was raised with the applicants at further information stage resulting in the applicants extending the site area (red line boundary) to incorporate additional lands for the purpose of residential public open space. In accordance with the details provided by the applicant, the amended scheme allows for a total of 5,738.03sqm of residential public open space (increased from 5,382.06) which would equate to c30.5% of lands dedicated to residential development within the site (1.878ha, as stated). However, the planning authority considered that much of the residential open space proposed within the scheme comprises only areas of incidental open space, with limited usability due to their size / width or due to the presence of existing hedgerows. To address this issue the planning authority in granting permission required, under Condition 3, the omission of three units (units 6.3, 6.2 and 6.5) and their replacement with public open space, thus reducing the overall number of units from 51 to 48. The applicants on the other hand, consider the public open space proposed within this scheme to be acceptable. They consider the requirement to remove three dwellings to provide limited additional public open space to be excessive and unnecessary.
- 7.7.3. Public open space for the proposed scheme (as amended) is detailed on drawing No.0006 Rev.P01, submitted to the Planning Authority on the 19th of December 2023. The quantum of residential public open space proposed within the scheme exceeds the minimum standard set out in the KCDP 2023-2029 (15% of the site area). While I would agree that much of the residential public open space proposed has limited usability / functionality, the 2,476sqm (as stated) of public open space to the north of the proposed residential units (c13% of the residential site area) would, I consider, offer an adequate level of amenity to future residents. While the retention of existing hedgerows in this area may compromise its usability in terms of active

recreation, the retention of these natural features would contribute in a positive way to visual amenity and biodiversity, and I note that the current KCDP (section 15.6.6) encourages the retention of hedgerows and their incorporation into areas of public open space. Furthermore, I note that scheme includes proposals for a direct pedestrian link to the planned linear / neighbourhood park to the east. This c1.8ha area of public parkland, proposed as part of this application and permitted separately under **ABP-314802-22** (under construction), incorporates areas of both passive and active open space (including play and outdoor exercise equipment) that will benefit future residents. Overall, I am satisfied that the proposed scheme would deliver an adequate level of residential amenity for future occupants in terms of public open space provision. The additional area of public open space that would result from the omission of the three units specified in condition 3 would in my opinion offer little in the way of amenity value and therefore I would not recommend the inclusion of this condition or a reduction in the overall number of units proposed to in the event of a grant of permission.

Condition 28

- 7.7.4. Condition 28 as attached to Kildare County Council's notification to grant permission restricts the hours of operation during construction to between the hours of 0800 and 1800 Monday to Friday and 0800-1400 on Saturdays with no works permitted on Sundays and Bank Holidays. The stated reason for this is to safeguard the residential amenity of property in the vicinity. The applicants consider the weekday construction operating hours to be overly restrictive and unjustified and have requested that hours of operation during construction be extended to between 0700 and 1800 Monday to Friday. I consider this to be a reasonable request, and I note that this would accord with the hours of operation conditioned by the Board under the grant of permission ABP-314802-22 (Feb. 2024).

7.8. Other

- 7.8.1. Following consideration of the plans and particulars submitted with the application (as amended) and having inspected the site, I have no objection or serious concerns

regarding the design and layout of the proposed scheme. The residential design standards set out in the KCDP 2023-2029 and in the Apartment Guidelines 2023 appear to have been substantially complied with and in my opinion the proposed scheme would offer an appropriate level of amenity and privacy for future occupants whilst also ensuring that the existing amenities of adjoining properties are adequately protected. The buildings to be provided incorporate an appropriate level of variety in terms of house design and mix (including apartments) that would cater for a wide demographic profile and contribute to the housing stock of Clane.

7.8.2. Regarding the height of buildings proposed, I note that Kildare County Council in their Development Plan have adopted a contextual approach to building height which integrates the specific provisions of the Urban Development and Building Heights (2018) Guidelines into the KCDP 2023 whilst also directing the development of taller buildings into the most appropriate development locations within the county. This is illustrated in Table 14.4 of the plan. In accordance with Table 14.4, both infill and greenfield development within the suburban edges of towns should include an effective mix of 2, 3 and 4 storey buildings which integrates well with the surrounding pattern of development. The proposed scheme includes a mix of 2 and 3 storey buildings with the larger 3-storey mixed-use building positioned at the entrance to the development from Brooklands, where it would form a cluster with an existing similar 3-storey apartment block to the north (in Hamilton Park) and the nearby three storey duplex apartment buildings in Brooklands. While no 4-storey buildings are proposed, I am satisfied that the height of buildings proposed is acceptable within this context having regard to the surrounding pattern of development.

7.8.3. Regarding traffic, the Traffic Impact Assessment submitted with the application includes a junction capacity analysis which assesses the effects of traffic generated by the proposed development on the R403 /Brooklands / Capdoo Park signalised junction. It also considers the impact on this junction in the circumstance where development occurs on the applicant's wider land holding; however, this scenario includes for a possible vehicular access though Alexander Walk for which no grant of permission exists. The analysis indicates that the signalised junction will operate within capacity with queues and delays during the AM and PM peak periods with the proposed residential development in operation to 2039. With development of the

wider masterplan lands complete the junction will operate at capacity resulting in queues and delays during the AM and PM peak hour to 2039. A similar scenario exists with the completion of the Ardstone SHD to the northwest (ABP-304632-19) and the opening of the relief road which is to be delivered as part of same. It is evident, based on the information provided, that the proposed development would have some effect on the local road network particularly when considered in conjunction with the existing / permitted developments on neighbouring lands (KCC Reg. Ref: 21/1400 and ABP-314802-22). However, given the moderate scale of the development proposed, any effect on the local road network is unlikely to be significant and I note that neither the Local Authority Case Planner nor the Transportation Department of Kildare County Council raised any serious concerns or objections in relation to the proposed development in terms of traffic.

- 7.8.4. In terms of biodiversity, I note that the scheme has been designed and laid out to allow for the partial retention of existing field boundaries (hedgerows) which have been effectively integrated as part of the public open space and proposed landscaping scheme. This aspect of the proposed development is supported by an Arborists Report and Tree Protection Plan. A Bat and Badger Assessment has been submitted in support of the application. A two-entrance badger sett was observed within the hedgerow c30m to the north of the site (outside of the site boundary). The assessment indicated that this sett is used by an individual badger and is not operating as a breeding sett. Some disturbance to the sett and commuting corridor is anticipated as a result of the proposed development. To mitigate this impact, it is stated that construction equipment shall operate within the site boundary only and access to and from the site shall maintain this protective zone. The survey notes a high level of bat activity on site. While none of the trees within the site were considered to offer high bat roost potential, the potential for individual bats in some trees was not ruled out. The survey includes mitigation measures to address potential impacts from tree felling, habitat loss and light disturbance. I am satisfied that with the application of the recommended mitigation measures outlined in the assessment report, no significant impacts on badgers or bats are likely to occur. Overall, I am satisfied that the proposal will not give rise to any significant impact or result in any material loss of biodiversity on site.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 8.2. The subject site is not located within or adjacent to any European Site. There are surface water and wastewater pathways from the appeal site to designated sites via the River Liffey which flows along the eastern boundary of the site. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the South Dublin Bay River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206), the North Bull Island SPA (Site Code: 004006) and the North-west Irish Sea SPA (Site Code: 004236). As the crow flies, the separation distance between the subject site and the SPAs/SACs in question is over 30 kilometres. The distance via the river flow is in excess of this distance. Additionally, drinking water for the proposed development may originate from the Poulaphouca Reservoir which is designated an SPA (Site code:4063).
- 8.3. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The nature and scale of the proposed development
 - The location of the development on serviced / serviceable lands, contiguous to the built-up area
 - The distance from European Sites and nature of intervening lands uses and habitats,
- 8.4. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

I recommend that permission for the proposed development be refused for the reason outlined below

10.0 Reasons and Considerations

Having regard to

- The Settlement Strategy for Kildare as set out in the *Kildare County Development Plan 2023-2029*, which designates Clane as a ‘Self-Sustaining Town’ where the preferred development strategy is for measured growth with emphasis on economic growth.
- The Core Strategy of the *Kildare County Development Plan 2023-2029*, which allocates in Table 2.8 a housing target of 219 units for Clane based on 2.4% share of the overall housing target for the County.
- The scale and quantum of new residential development permitted in Clane since the adoption of the *Kildare County Development Plan 2023-2029*, which indicates that the Housing Targets for Clane over the development plan period have already been exceeded
- The scale and quantum of development proposed which would result in housing and population targets for Clane being further exceeded
- Objective CS O1 of the Kildare County Development Plan which seeks to Ensure that the future growth and spatial development of County Kildare is in accordance with the population and housing allocations contained in the Core Strategy which aligns with the regional growth strategy as set out in the National Planning Framework and Regional Spatial and Economic Strategy for the Eastern and Midland Region and further specified in the ‘Housing Supply Target Methodology for Development Planning’.
- The failure of the applicants to adequately demonstrate that Clane can accommodate the extent of residential development proposed

It is considered that the quantum and scale of residential development proposed at this location would be excessive, would conflict with the core strategy and settlement strategy in the *Kildare County Development Plan 2023-2029* and

would be inconsistent with objectives CS O1 as set out in the *Kildare County Development Plan 2023-2029*. The proposed development would 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, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Lucy Roche
Planning Inspector

13th January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319096-24		
Proposed Development Summary	51 residential units, creche and linear/neighbourhood park adjacent to River Liffey		
Development Address	Capdoo and Abbeylands, Clane, Co. Kildare		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10(b)(i) – Threshold 500 units and (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.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10(b)(i) – Threshold 500 units and (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	Preliminary examination required (Form 2)

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

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-319096-24
Proposed Development Summary	A residential scheme of 51no residential units, a 485.76sqm creche and a public park on a 3.89ha site
Development Address	Capdoo and Abbeylands, Clane, Co. Kildare
The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development site comprises an area of greenfield contiguous to the established built-up area of Clane. The site is bounded by existing residential development to the west and south. The nature of the development (residential / childcare/ open space) is not exceptional in the context of the existing environment. The development does not involve works of demolition nor does it require the use of substantial natural resources. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising

	from other housing in the neighbourhood. The development, by virtue of its type, would not pose a risk of major accident and / or disaster, or vulnerable to climate change. The proposed development would use the public water and drainage services of Irish Water and Kildare County Council, upon which its effects would be marginal.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The appeal site comprises predominantly greenfield lands on the eastern outskirts of the town of Clane. There is recently constructed / under construction residential development in the immediate vicinity. The public park proposed under this application has the benefit of planning permission under ABP-314802-22. The introduction of additional residential development with an associated commercial creche will not have an adverse impact in environmental terms on surrounding land uses. The site is not located within an area of landscape sensitivity, nor does it have any historic, cultural or archaeological significance. The River Liffey extends along the eastern boundary of the site providing a hydrological connection between the site and Dublin Bay which accommodates a number of Natura

	2000 sites. As the crow flies, the separation distance between the subject site and the SPAs/SACs in question is over 30 kilometres. Any issues arising from the connectivity to a European Site can be adequately dealt with under the Habitats Directive. An Ecological Impact Assessment has been submitted in support of the application. The EIA identifies mitigation to be implemented to negate against impacts to the ecological resource of the area and there is no real likely of significant effects occurring. Bat and Badger Assessment accompanies the application. this assessment report concludes that the proposed development, subject to recommended mitigation, will result in a slight, long term negative impact upon bats and badgers.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Existing permitted developments in the vicinity of the site are predominantly residential in nature with permission also granted for public park on lands to the north. These developments, due to their nature and scale unlikely to result in significantly cumulative effects. Having regard to the nature and scale of the proposed development, its location

		on lands contiguous to the built-up area of Clane, removed from sensitive <i>habitats</i> , likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	X
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appropriate Assessment: Screening Determination

Introduction:

I have considered the proposed residential scheme in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

A screening report for appropriate assessment prepared by Openfield Ecological Services was submitted in conjunction with the application. It concludes a finding of no significant effects. The application is also accompanied by an Ecological Impact Statement, a Bat and Badger Impact Evaluation, Arboricultural Report, Preliminary Construction and Environmental Management Plan and a waste management plan. A description of the development and the receiving environment can be found in Section 2 of this report and in the applicant's AA screening report (pp.6 to 10).

The proposed development comprises a residential scheme of 51 residential units, a 485.76sqm creche and a public park on a 3.89ha site. Wastewater from the development will pass through the Osberstown wastewater treatment plant. This plant discharges treated wastewater to the River Liffey under Licence from the EPA. Surface water run-off from roofs and driveways will be retained within the curtilage of each dwelling through the employment of SuDS techniques. Surplus run-off will discharge to a surface water sewer via attenuation tanks, flow control devices and oil/grit interceptors. Surface water will ultimately discharge into the River Liffey. The surface water management system has been designed to ensure that the quality and quantity of run-off are maintained at a greenfield standard. Water for the proposed development will be supplied from a mains supply which may originate from the Poulaphouca Reservoir which is designated an SPA (Site code:4063).

The construction phase will involve the clearance of topsoil and sub-soil while tree line and hedgerow boundary features are to be largely retained. Any inert construction and demolition waste is to be removed by a licensed contractor and disposed of in accordance with the Waste Management Act. Some dust and noise can be expected during the construction phase. While the operation phase will bring human disturbance as well as noise and artificial light.

European Sites

The appeal site is not located in or directly adjacent to any Natura 2000 site. Six European sites have been identified and being potentially within a zone of influence of the proposed development (Table 1 below). I note that the applicant did consider a further four sites in a wider area (within 15km) namely the Ballynafagh Bog SAC, Ballynafagh Lake SAC, the Ryewater/Cartron SAC and the Mouds Bog SAC. but rules these out for further examination due to lack of ecological connections.

The screening report identifies surface water and wastewater pathways from the appeal site to designated sites via the River Liffey which flows along the eastern boundary of the site. While this river is not subject to any Natura 2000 designations, it does discharge into the Irish Sea at Dublin Bay which accommodates a number of Natura 2000 sites including the South Dublin Bay River Tolka Estuary SPA (Site Code: 004024), the South Dublin Bay SAC (Site Code: 000210), the North Dublin Bay SAC (Site Code: 000206) and the North Bull Island SPA (Site Code: 004006). The North-west Irish Sea SPA (Site Code: 004236) is now also relevant in this regard. As the crow flies, the separation distance between the subject site and the SPAs/SACs in question is over 30 kilometres. The distance via the river flow is in excess of this distance. Additionally, drinking water for the proposed development may originate from the Poulaphouca Reservoir which is designated an SPA (Site code:4063).

European Sites

The European Sites identified in the AA screening report within the Zone of Influence and with potential pathways are detailed below.

European Site (code)	List of Qualifying interest (QI) /Special Conservation Interest (SCI)	Distance from proposed development (Km)	Connections
SAC			
South Dublin Bay SAC (0210)	• Mudflats and sandflats not covered by seawater at low tide • Annual vegetation of drift lines • Salicornia and other annuals colonising mud and sand	c31km to the east of the site	Indirect via surface and foul water drainage

	Embryonic shifting dunes		
North Dublin Bay SAC (0000206)	- Mudflats and sandflats not covered by seawater at low tide. - Annual vegetation of drift lines - Salicornia and other annuals colonising mud and sand - Atlantic salt meadows (Glaucopuccinellietalia maritimae) - Mediterranean salt meadows (Juncetalia maritimi) - Embryonic shifting dunes - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) - Fixed coastal dunes with herbaceous vegetation (grey dunes) - Humid dune slacks - Petalwort <i>Petalophyllum ralfsii</i>	c. 33.7km to the northeast of the site.	Indirect via surface and foul water drainage
SPA			
South Dublin Bay and River Tolka Estuary SPA [004024]	- Light-bellied brent goose <i>Branta bernicla hrota</i> - Oystercatcher <i>Haematopus ostralegus</i> - Ringed plover <i>Charadrius hiaticula</i> - Grey plover <i>Pluvialis squatarola</i> - Knot <i>Calidris canutus</i> - Sanderling <i>Calidris alba</i> - Dunlin <i>Calidris alpina</i> - Bar-tailed godwit <i>Limosa lapponica</i> - Redshank <i>Tringa</i>	c.32km to the east of the site.	Indirect via surface and foul water drainage

	- totanus - Black-headed gull Chroicocephalus ridibundus - Roseate tern - Arctic tern - Wetland and waterbirds		
North Bull Island SPA (0206)	- Light-bellied Brent Goose (Branta bernicla hrota) - Shelduck (Tadorna tadorna) - Teal (Anas crecca) - Pintail (Anas acuta) - Shoveler (Anas clypeata) - Oystercatcher (Haematopus ostralegus) - Golden Plover (Pluvialis apricaria) - Grey Plover (Pluvialis squatarola) - Knot (Calidris canutus) - Sanderling (Calidris alba) - Dunlin (Calidris alpina) - Black-tailed Godwit (Limosa limosa) - Bar-tailed Godwit (Limosa lapponica) - Curlew (Numenius arquata) - Redshank (Tringa totanus) - Turnstone (Arenaria interpres) - Black-headed Gull (Chroicocephalus ridibundus) - Wetland and Waterbirds	c34km to the northeast	Indirect via surface and foul water drainage
North-west Irish Sea SPA	- Red-throated Diver - Great Northern Diver	c. 32km to the northeast	Indirect via surface and foul water drainage

(site Code 004236)	• Fulmar • Manx Shearwater (Puffinus puffinus) • Cormorant (Phalacrocorax carbo) • Shag (Phalacrocorax aristotelis) • Common Scoter (Melanitta nigra) • Little Gull (Larus minutus) • Black-headed Gull (Chroicocephalus ridibundus) • Common Gull (Larus canus) • Lesser Black-backed Gull (Larus fuscus) • Herring Gull (Larus argentatus) • Great Black-backed Gull (Larus marinus) • Kittiwake (Rissa tridactyla) • Roseate Tern (Sterna dougallii) • Common Tern (Sterna hirundo) • Arctic Tern (Sterna paradisaea) • Little Tern (Sterna albifrons) • Guillemot (Uria aalge) • Razorbill (Alca torda) - Puffin (Fratercula arctica)		
Poulaphouca Reservoir SPA (site code: 4063).	• Greylag Goose Anser anser • Lesser Black-backed Gull Larus fuscus	c.16.9km to the southeast of the site	Indirect via water supply

Likely impacts of the project (alone or in combination)

As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

Any potential indirect impacts on European Sites from the development would be restricted to the discharge of surface or foul water from the site. I note the proposed drainage system discharging to the River Liffey ultimately drains into Dublin Bay. The installation of surface water attenuation and SuDS systems will ensure that there will be no negative impact on water quality or quantity arising from the change in land use from agricultural to residential. I note the proposed SuDS system is a standard system incorporated in all new developments and it is not included specifically to avoid or reduce an impact on a European site.

With regard to hydrological pathways via wastewater, I note that water flows to Dublin Bay via the Osberstown Wastewater Treatment Plant and the River Liffey. The Osberstown Plant is licenced to discharge treated effluent to the River Liffey under (EPA Waste Discharge Authorisation Licence No. D0002-01). I consider having regard to the significant distance of over 30 kilometres between the subject site and the European sites identified that the proposal will not impact on any of the qualifying interests associated with the Natura 2000 sites in Dublin Bay.

No significant effects are expected to occur from the abstraction of freshwater.

While Otter, Atlantic Salmon and Lamprey species are known to be present along the River Liffey, they are no Natura 2000 sites designated for these species within the zone of influence of the project. Notwithstanding, I consider proposed connections to the public infrastructure and the proposed treatment of surface water as detailed above will prevent any potential significant negative impact on water quality in the River Liffey.

In Combination effects:

In combination effects have been considered. Future developments in the area are likely to be residential in nature and are unlikely to give rise to cumulative impacts on any European sites in the vicinity.

Overall Conclusion

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 any European Site [or name relevant site] and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed development
- The location of the development on fully serviced lands,
- The distance from European Sites and nature of intervening lands uses and habitats

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

Inspector: _____ Date: _____