

**ENVIRONMENTAL IMPACT
ASSESSMENT
SCREENING
REPORT**

Proposed SHD

**Lands at the townlands of
Kilcock, Boycetown and
Commons West
(adjoining Brayton Park estate),
Kilcock,
Co. Kildare**

On behalf of Rycroft Homes Ltd.

February 2020



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1 INTRODUCTION

This Environmental Impact Assessment Screening Report is prepared as part of a pre-planning application submission to An Bord Pleanála for a residential development of 345 units and a crèche facility for lands in the townlands of Kilcock, Boycetown and Commons West, Kilcock, Co. Kildare. The subject site is adjacent to the existing Brayton Park Estate, Kilcock.

This report is prepared and lodged on behalf of Rycroft Homes Limited, 1a Mpo Building, Blanchardstown Business Park, Snugborough Road, Dublin 15.

1.1 Purpose of this Report

The purpose of this Environmental Impact Assessment Screening Report is to consider whether there is any requirement for the preparation of an Environmental Impact Assessment Report (EIAR) for the proposed development, the subject of this planning application to An Bord Pleanála.

1.2 EIAR Study Team and Guarantee of Competency and Independence

This Environmental Impact Assessment Screening Report was completed by a project team led by Brock McClure, Planning and Development Consultants, who also prepared the *Statement of Consistency* and *Planning Report*, among other documentation enclosed with this application.

The report has been prepared with direct input from the following design team:

- Brock Mc Clure Planning and Development Consultants
- Eamon Galligan S.C
- C+W O'Brien Architects
- Pinnacle Consulting Engineers
- AWN Consulting Engineers
- MacDiarmada & Associates Landscape Architects
- Moore Group Environmental Services
- Arbor Care – Consulting Arborist
- IAC Archaeology – Archaeology and Conservation Consultants
- Dunes Visuals Ltd – Architectural Visualization

In accordance with EIA Directive 2014/52/EU, we confirm that the experts involved in the preparation of this EIAR Screening are fully qualified and competent in their relevant areas of expertise.¹ This ensures that the information provided to the Board is of a high quality and reliable.

¹ The qualifications of the design team have been referenced in Appendix 1 attached.

2 METHODOLOGY

2.1 Environmental Directives and Guidance Documents

The screening report is prepared having regard to the requirements of:

- ‘Directive 2011/92/EU’
- ‘Directive EIA 2014/52/EU’
- ‘European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018’ (“the 2018 Regulations”)
- ‘Guidelines for Planning Authorities and An Bord Pleanala on carrying out Environmental Impact Assessment’ (August 2018) - Department of Housing, Planning and Local Government) (“The Guidance”)
- ‘Government Circular PL05/2018

Directive EIA 2014/52/EU amends Directive 2011/92/EU. The 2014 directive was required to be transposed to EU member states by 16 May 2017, necessitating changes in laws, regulation and administrative provisions across a number of legislative codes. This is being done to strengthen the EIA procedure and align procedure with principles of smart regulation and enhance coherence and synergies with other EU legislation. Consideration must now be given to the new Guidance on the new EIAR procedure and requirements.

This Environmental Impact Assessment Screening Report takes into account relevant changes with regard to the screening procedure as detailed within the EIA Directive, as implemented under the 2018 EIA Regulations.

2.2 Legislative Context

The legislative context for screening remains as set out in the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations (2001-2018).

Schedule 5, Parts 1 and 2 of the *Planning and Development Regulations, 2001-2018* set out the types of projects and thresholds that require an *Environmental Impact Assessment* (EIA), now known as an *Environmental Impact Assessment Report* (EIAR) to be undertaken.

The competent authority in this instance is An Bord Pleanala who can also require an EIAR where a project is below the specified threshold² and where there is a likelihood of significant effects on the environment by reference to the nature and location of the proposed project. The criteria for determining whether a development is likely to have significant effects on the environment are set out in Schedule 7 of the *Regulations* and in Annex IIA of the 2014 EIA Directive (EIA 2014/52/EU). These are assessed in detail in Section 3 below.

2.3 Proposed Development is Sub-Threshold

The development site is located in the townlands of Kilcock, Boycetown and Commons West, Kilcock, Co. Kildare. The lands are adjacent to the Brayton Park estate, Kilcock. The subject site measures c. 11.56 Ha.

The proposal provides for 345 residential units and a crèche facility and is considered sub-threshold having regard to the following Class of development as set out in the Regulations under Schedule 5, Part 2:

² ‘sub-threshold development’ means development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

10. Infrastructure Projects

“(b) (i) Construction of more than **500 dwellings**”

(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 use is retail or commercial use)”

Having regard to the above we refer An Bord Pleanála to the enclosed Legal Opinion from Eamon Galligan S.C dated 28.1.2019 which concludes the following;

“For the development to require an EIA or screening for an EIAR, it must be located on a site within either a city or town or a “development area” that is adjoining a city or town, as so defined under the Local Government Act 2001.

A “built up area” defined as –

“built -up area” means a city or town (where “city” and “town” have the meanings assigned to them by the Local Government Act, 2001), or an adjoining **development area;**”

However, the site of the proposed development comprises a green field site on the edge of the developed settlement of Kilcock. It is not located within a developed area as it is surrounded on three sides by undeveloped land. Therefore, even if Kilcock could be regarded as a town for the purposes of the definition of a “business district”, the site does not require an EIAR because it is not within a developed area. The site is clearly not within the town of Kilcock.

Furthermore, Kilcock is not designated as a “town” for the purposes of the Local Government Act 2001 (albeit that the definition of a “town” under that Act has been appealed) and would appear therefore that the site does not adjoin a city or town for the purposes of this call of EIA development.

The fact that the site may be within the development boundary for Kilcock does not addect the application of para 10(b)(iv), Part 2, Schedule 5 of the 2001 Regulations as it is the actual unbuilt context of the development site rather than its development plan designation or potential future development status that is relevant to the application to this category of EIA development.

I am therefore of the opinion that the proposed development does not fall within para 10 (b)(iv), Part 2, Schedule 5 of the 2001 Regulations:

“(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).

Accordingly, an EIA or screening for EIA is not required under the legislation.”

It is evident from the above Legal Opinion that the proposal (345 dwellings and a crèche facility on a site of 11.56ha) is sub - threshold for the preparation of an EIAR.

Notwithstanding the enclosed Legal Opinion and the conclusion set out above, having regard to the discretionary power of An Bord Pleanála as regards sub-threshold development, it was agreed that it would be prudent for the Applicant to prepare an Environmental Screening Statement to further assist An Bord Pleanála in making a determination on determining whether a sub-threshold development would or would not be likely to have significant effects on the environment.

This criteria for determination of this matter are now outlined in Section 3 below.

2.4 Schedule 7

Schedule 7 of the Planning and Development Regulations 2001 (as amended) sets out the relevant criteria to be applied in the screening process.

The 2014 Directive (EIA 2014/52/EU) requires the applicant to provide certain information, to allow An Bord Pleanála carry out proper screening to determine if an EIAR report is required. This information is listed in Annex IIA of the Directive. This requirement is implemented under the *Planning and Development Regulations, 2001* (“the 2001 Regulations”), as amended, most recently by the *European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018* (“the 2018 Regulations”). The criteria for determining whether development listed in Part 2 of Schedule 5 should be subject to an EIA are set out under Schedule 7 of the 2001 Regulations. The purpose of this screening exercise is to establish whether there is a need to prepare a sub-threshold EIAR in accordance with para. 15 (Schedule 5 Part 2) of the *Regulations*.

The information to be provided by the applicant or developer for the purposes of screening sub-threshold development for environmental impact assessment is separately set out under Schedule 7A of the *Planning and Development Regulations, 2001*, as amended by the 2018 Regulations.

However, Paragraph 4 of Schedule 7A requires that: ‘*The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.*’³

In this report, therefore, the information has been set out under the more detailed headings provided for under Schedule 7. In effect, this ensures that all of the information required under Schedule 7A has been furnished. It also presents the information in a manner that facilitates the competent authority in addressing the appropriate criteria in its screening assessment.

Competent/consent authorities must have regard to these criteria in forming an opinion as to whether or not a sub-threshold development is likely to have significant effects on the environment by virtue, *inter alia*, of their nature, size or location should be subject to EIA.

2.5 The Criteria

Schedule 7 of the *Planning and Development Regulations 2001 (as amended)* sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment as follows:

1. Characteristics of Proposed Development
2. Location of Proposed Development
3. Types and Characteristics of Potential Impacts

Each of these categories contains a set of sub-criteria for consideration as follows:

1. Characteristics of Proposed Development

The characteristics of proposed development, in particular:

- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,

³ Emphasis added

- the risk of accidents, having regard to substances or technologies used.

2. Location of Proposed Development

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - wetlands,
 - coastal zones,
 - mountain and forest areas,
 - nature reserves and parks,
 - areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
 - areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
 - densely populated areas,
 - landscapes of historical, cultural or archaeological significance.

3. Types and Characteristics of Potential Impacts

“The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),
- (b) the nature of the impact,
- (c) the transboundary nature of the impact,
- (d) the intensity and complexity of the impact,
- (e) the probability of the impact,
- (f) the expected onset, duration, frequency and reversibility of the impact,
- (g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and
- (h) the possibility of effectively reducing the impact.”

The applicability of the Schedule 7 criteria to the proposed development is considered below.

3 SCREENING ASSESSMENT

In order to assist An Bord Pleanála in deciding if significant effects on the environment are likely to arise in the case of development proposed in this case, the project is described in the following sections under each of the three aforementioned headings in Section 2 above.

3.1 Characteristics of Proposed Development

The first set of criteria under Schedule 7 relates to the “*Characteristics of proposed development*” -

The characteristics of proposed development, in particular:

- *the size of the proposed development,*
- *the cumulation with other proposed development,*
- *the use of natural resources,*
- *the production of waste,*
- *pollution and nuisances,*
- *the risk of accidents, having regard to substances or technologies used.*

We note the following in this regard:

3.1.1 The Size and Design of the Proposed Development

The proposed development provides for a scheme of 345 residential dwellings, a crèche facility and all associated ancillary elements.

The residential element of the scheme is spread from the M4 to the railway line, boarding along the Brayton Park housing estate present to the south of the proposed scheme. Public Open Space is scattered throughout the site for the benefit of all residents.

Access is proposed via Brayton Park Road. A total of 650 car parking spaces are proposed to serve the residential component of the scheme.

The crèche facility is located at the entrance to the subject site (off Brayton Park Road).

A design statement has been prepared by C+W O’Brien Architects and is included herewith for further detail on the design of the scheme.

The development will consist of:

345 no. residential units (69 no. Duplex Type Units, 182 no. Houses and 94 no. Apartments) ranging from 2 to 5 storeys, a standalone creche facility (approximately 466.76 sqm) with an overall height of 2 storeys, an associated external play area (approximately 277.67 sqm), associated ancillary surface car parking spaces and bicycle parking spaces, a link street, internal roads, pedestrian paths, cycle paths, public and private open spaces.

The proposed housing mix is comprised of 13 no. 1 bed units, 136 no. 2 bed units, 158 no. 3 bed units and 38 no. 4 bed units.

Out of the 345 no. residential units, 35 no. units are put forward to meet the applicant’s obligations under Part V of the Planning & Development Act 2000 (as amended).

Each residential unit has associated private open space, in the form of either gardens, terraces or balconies in addition to access to the proposed public open space (including 3 no. playground areas) with hard and soft landscaping treatment.

A total of 650 no. surface car parking spaces are provided for the residential development including visitor parking. 280 no. bicycle spaces are proposed for the proposed apartments and duplexes and bicycle spaces for the proposed houses are provided on curtilage. In addition, the crèche will be provided with 34 no. surface car parking spaces and 30 no. bicycle parking spaces.

The proposed development provides for 1 no. vehicular access and associated pedestrian and cycle paths via a new link street connecting from the Brayton Park Road and 1 no. vehicular access and associated pedestrian path providing a link into the existing Brayton Park Estate.

The proposed development makes provision for future linkages to adjoining lands; including undeveloped lands to the north-west, the adjoining undeveloped educational zoned lands to the north, as part of this application land is reserved for access to a potential future pedestrian/cycle bridge over the railway line to the north-east of the site (to be delivered by others) . In addition, the proposed development provides for pedestrian and cycle paths connection to the north east of the site, as well as 4 no. pedestrian access points and 1 no. gated vehicular (for Kildare County Council maintenance use only) and pedestrian access point to the open space at Bawnogues/Commons West along the southern boundary of the site.

Bin storage is provided either on curtilage and or in communal storage. The associated site and infrastructural works include foul and surface water drainage, attenuation tanks, SuDs arrangements, hard and soft landscaping, permeable paving, boundary walls, fences and noise buffers, 3 no. substations (approximately 20 sqm each), public lighting, a link street, internal roads, cycle paths, pedestrian paths and all associated ancillary site development works.

3.1.2 Cumulation With Other Existing and or Approved Projects

The Site

There is no significant or relevant planning history for the subject site.

The current application is a new proposal for the subject site that is currently a greenfield site.

The Surrounding Area

Kildare County Council Planning Reg. Ref. 16/233 (An Bord Pleanala Ref. PL09.24663) –

The lands which were the subject of application (Kildare County Council Reg. Ref. 16/233 – ABP Ref. PL09.24663) are located generally to the northwest of the lands which are the subject of this SHD planning application:

It is noted that this planning application was refused by Kildare County Council on 04/05/2016. It was subsequently the subject of an Appeal to An Bord Pleanala which was refused in 14/09/2016.

- (a) 190 houses (8 detached 2-storey 5-bed houses; 3 detached 2-storey 4-bed houses; 68 semi-detached 2-storey 4-bed houses; 1 detached 2-storey 3-bed house; 76 semi-detached 2-storey 3-bed houses; 6 semi-detached 2-bed bungalows; 4 terraced 2-storey 2-bed houses and 24 terraced 3-storey 3-bed houses); (b) A single storey neighbourhood centre with 3 retail units; (c) A 2-storey crèche building; (d) Two new road entrances off the R148 and R158; (e) All associated site works to include roads, car parking, service yard, open spaces and landscaping, boundary walls, bin stores, attenuation tanks and site service. Site accessed off the R148 and R158, and abutting the Junction 8 roundabout on the M4.

The reasons for refusal (summarised below) have been taken on board by the Design Team of the proposed development (presented by way of this SHD application to An Bord Pleanala) and are inherently addressed in the design now proposed.

The reasons for refusal issued by An Bord Pleanala considered the development proposed under Kildare County Council Planning Reg. Ref. 16/233 (An Bord Pleanala Ref. PL09.24663):

- 1) Deficiency in Water Services –

In response the applicant in this case refers An Bord Pleanála to the enclosed confirmation from Irish Water that capacity exists.

- 2) Premature pending necessary road infrastructure improvements –
Rycroft Homes Limited have enclosed reports by Pinnacle Consulting Engineering that demonstrates in detail that the existing road network has sufficient capacity based on the junction studies provided within the enclosed Traffic Impact Assessment.
- 3) Protected structure and layout –
In response the applicant can confirm that in this case the subject site is not located proximate to a Protected Structure. The applicant has ensured that the proposed layout proposed is of high quality, providing a wide range of residential accommodation and ancillary elements which has been carefully designed in compliance with best practice urban design principles, with quality, safe, usable open space and amenity provided throughout.

The National Planning Framework

The *National Planning Framework, Project Ireland 2040* and its target for the delivery of new housing within existing built up areas and on infill and/or brownfield sites is also considered at this point. The Statement of Consistency enclosed herewith as part of this planning application clearly sets out the compliance of the development with the objectives of this Framework.

Notably, the following objectives are considered relevant:

National Policy Objective 1 -

Planning for a population in the Eastern and Midland Region of 490,000 - 540,000 additional people i.e. a population of around 2.85 million;

National Policy Objective 3b -

Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 31 -

Prioritise the alignment of targeted and planned population and employment growth with investment in the provision of childcare facilities and new and refurbished schools on well located sites within or close to existing built up areas that meet the diverse needs of local populations.

National Policy Objective 32 -

To target the delivery of 550,000 additional households to 2040.

National Policy Objective 33 -

Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 35 -

Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Having regard to the proposed development, it is submitted that the current proposal for 345 no. units and a creche will deliver on the above objectives of the NPF. We note specifically that the addition of this accommodation will be a modest and proportionate increase to population within the Kilcock area.

The subject site is zoned for residential development and is considered appropriately serviced with appropriate infrastructure to deliver on a sustainable residential development in close proximity to Kilcock and public transport nodes therein.

We submit to An Bord Pleanála that the current proposal is supportive of the objectives of the National Planning Framework, Project Ireland 2040. In addition, it is noted that Kilcock is located within the MASP area (Dublin Metropolitan Area) as set out in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region.

Traffic Generation

An Bord Pleanála will note from a review of the *Traffic & Transport Assessment* submitted by Pinnacle Consulting Engineers that traffic generated by the proposed development will be relatively low and is not expected to result in a significant impact. We note specifically the following summary from Section 6 of the Traffic and Transport Assessment:

“The results of the junction analysis undertaken demonstrates that traffic from the proposed development can be accommodated on the surrounding road network and is within reasonable limits having regard to the residential nature of Brayton Park access road and the surrounding areas.”

“The Transport Assessment demonstrates that the traffic generated by the proposed development can be accommodated within the surrounding road network and will have no adverse impact on the junctions modelled.”

Ecology Matters

We refer An Bord Pleanála to the *Report for the Purposes of Appropriate Assessment Screening Report* by Moore Group Environmental Services Ltd., which notes:

“The proposed Project site is a greenfield site located to the west of Kilcock. The nearest European site is Rye Water Valley/Carton SAC (Site Code 001398), which is located approximately 6.8 km to the east of the proposed Project. The only other European sites with potential connectivity to the proposed development are the those associated with Dublin Bay, which are located over 30 km to the east of the proposed Project”.

In addition the *Report for the Purposes of Appropriate Assessment Screening Report* concludes that:

“There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- *The distance between the proposed Project and the European sites considered;*
- *The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and*
- *That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.*

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

1. The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process”.

In addition, the applicant has enclosed an Ecological Impact Statement prepared by Moore Group Environmental Services which concludes:

“The development is located in an area of low to moderate ecological value and as such predicted to have a neutral imperceptible effect on biodiversity”.

In summary, it is our opinion that having regard to the nature of the proposed development and other developments in the general area, that there is not likely to be any significant cumulative impacts on the receiving environment.

Cumulative or in-combination effects will be considered further below.

3.1.3 Use of Natural Resources

Soil

The applicant can confirm that any excavated soil will be carefully stored in segregated piles on the site and subsequently removed from site for direct beneficial use elsewhere.

Foul Water and Water Supply

Pinnacle Engineering Consultants and the applicant can also confirm that there is confirmation of feasibility for the proposed development to connect to public water mains and sewers. We refer specifically to the Irish Water Confirmation of Feasibility enclosed as part of this SHD planning application and to the input from Pinnacle Consulting Engineers, which sets out that subject to a valid connection agreement being put in place, the proposed connection to Irish Water can be facilitated.

Gas

During operational stage, the only potential natural resources utilised will potentially be natural gas (if utilised) and water in quantities applicable to the daily operation of the new residential accommodation and creche facilities.

Land, soil and biodiversity are not considered to feature as natural resources used at operational stage.

Energy & Sustainability

The applicant and C+W O'Brien Architects have designed the proposed development in order to comply with European Performance of Buildings Directive (EPBD) and Irish Regulations (specifically TGD Part L) at operational stage.

In addition, the proposed development complies with the energy related objectives (including HCO1 and DL02) of Kildare County Development Plan 2017-2022 and the Kilcock Local Area Plan 2015-2021 (SN 1 and SI 50).

SN 1 *“To promote new neighbourhoods which are well designed, safe and suitable for a variety of age groups and tenures, robust, adaptable, well served by local facilities and public transport, and which contribute to the structure and identity of Kilcock”.*

SI 50 *“To promote energy efficiency, energy conservation, and the use of renewable energy in existing and new developments”.*

These benefits ensure less energy, less services and therefore less resources are needed to operate and will make the proposed buildings more energy and environmentally efficient and will ensure that it is a more sustainable development into the future.

It is concluded that the proposed development will not involve any significant use of natural resources during operational phase having regard to its nature (i.e. a residential development).

3.1.4 Production of Waste

The principal objective of sustainable resource and waste management is to use material resources more efficiently and to reduce the amount of waste requiring final disposal. However, where residual waste is generated, it should be dealt with in a way that follows the national waste hierarchy and actively contributes to the economic, social and environmental goals of sustainable development.

During the construction and operational stages of development, quantities of construction and operational related waste will arise. This quantum of waste is expected to be minimal. The applicant can confirm that any waste arising will be re-used, recycled or sent to a licensed waste facility.

The applicant can confirm that the proposed development has been designed to comply with local, regional, and national waste legislation along with best practice. All waste generated from the operational phase of this development will be sent for reuse, recycling and/or disposal at appropriately licensed waste facilities.

We confirm for An Bord Pleanála that this planning application is accompanied by a Pollution Control Method Statement prepared by Pinnacle Consulting Engineers.

The applicant can confirm that the waste management at the subject site will comply with best practice to ensure the reduction of waste.

Storage of non-recyclable waste and recyclable household waste will form part of a domestic waste management strategy. This will include a distinction between grey, brown and green bins and a competitive tender for waste management collection that will help to reduce potential waste management charges. A detailed waste management plan will be agreed between the developer/management company of the proposed scheme and the Local Authority. It is considered that this

can be done by way of planning condition as part of any grant of permission issued by An Bord Pleanála.

It is considered that there are not likely to be any significant effects on the environment arising from the production or disposal of waste.

3.1.5 Pollution and Nuisances

The only potential sources of pollution from the proposed development will be emissions to air, water, and noise pollution.

We refer An Bord Pleanála to the Pollution Control Method Statement prepared by Pinnacle Consulting Engineers enclosed with this planning application. As well as the enclosed report entitled Engineers Planning Report prepared by Pinnacle Consulting Engineers.

The following is proposed in terms of services:

Water

Pinnacle Consulting Engineers can confirm that it is intended to serve the proposed development off the aforementioned existing (6") 150mm Ø water main, located in the footpath at the access to the existing Brayton Park development.

A Pre-Connection Enquiry was submitted to Irish Water by Pinnacle Consulting Engineers and a favourable response. Irish Water confirm in their letter, the potable water demand generated by new development can be facilitated in their existing network.

A copy of the Irish Water response is enclosed for the benefit of An Bord Pleanála application.

Surface Water Drainage (incorporating SuDs)

As set out in the enclosed Engineering Report (November 2019) prepared by Pinnacle Consulting Engineers:

“Storm water from the proposed development has been designed in accordance with the Greater Dublin Strategic Drainage Study (GSDSDS) and ensures that Best Management Practice has been incorporated into the design.

It should be noted that the subject site currently comprises a greenfield site and the proposed surface water measures are aimed at improving the general surface water management of the site, by introducing interceptors, attenuation measures and by restricting the ultimate discharge, etc. to the greenfield Q-Bar run-off rate, i.e. 58.1 l/s.

Site investigations have been carried out and the results have shown that the existing sub-soil provides adequate soil infiltration rates in some parts of the site and thus these areas have been utilised to install soakaway systems. Where the ground conditions have precluded the use of soakaways, it is proposed to install attenuation systems, i.e. Stormtech (or similar approved).

Storm water from the roof areas of the some of the proposed residential units, will be directed via rain water pipes into an on-site reticulation system, via an adequately designed permeable paving sub-base, only within in-curtilage areas. The outflow from this system will be connected into the surface water drainage network collecting runoff from the road areas and will ultimately be discharged into the aforementioned stormwater attenuation systems / soakaways, located in landscaped areas – refer Drawing No.'s P180307–200 Rev. 4 & 201 Rev. 4.

By way of complying with sustainability elements i.e. SuDS, the surface water run-off from the entire development, has been attenuated within the methods as described above, catering for a 1:100yr storm event + 20% climate change. These systems cater for all the main roads drainage, which also includes the

outlets from the tanked permeable paving systems located in the driveways of some of the units. The permeable systems for selective individual units also cater for the roof drainage of the respective units. It should be noted that the permeable paving elements will only be

utilised in the areas which are considered to be in-curtilage, i.e. that will not be taken in-charge by the Local Authority.

Storm water from all car park areas and access roads will be drained as follows: -

- All private driveways, apartment parking and creche parking, to incorporate permeable paving, to include for discharge from the roof areas via rainwater down pipes.
- A series of on-site gullies draining into a separate system of below ground gravity storm water sewers.

Prior to discharging into the proposed attenuation / soakaway areas, the storm water from the car park and access roads, which is drained via the methods as described above, will be directed through appropriately sized Conder Separator(s), (or similar approved) petrol interceptors - refer Appendix A for Interceptor Details.

Generic details pertaining to the aforementioned permeable paving system can be found contained within Appendix C of this report.

The outlets from the attenuation systems will contain flow restricting mechanisms, i.e. hydrobrake.”

Foul Water Drainage

The proposed development is to consist of 345 residential units and a creche facility. The Engineering Report (November 2019) prepared by Pinnacle Consulting Engineers states the following:

“It is proposed to discharge foul water from the proposed development, via 2 No. 225mm Ø gravity foul sewer outfall connections, into the existing infrastructure within the Brayton Park residential development.

The 2 proposed connections are located to the west and east of the aforementioned existing residential development, at existing manholes, EX FW MH & EX MH FW respectively – refer Drawing No.’s P180307-201 Rev. 4.

The invert levels of each of the 2 No. outfall connections are 77.35mOD for EX FW MH, and 73.44mOD for EX MH FW.

The estimated Foul Discharge Rate, based on Irish Water’s criteria, i.e. the total number of dwellings @ 600 litres/per dwelling/per day = 345 dwellings x 600 litres/day:-

Dry Weather Flow (DWF) = 207,000 litres/day

= 2.396 litres/sec (DWF – Avg. Demand)

Design Peak Flow = 14.376 litres/sec (6xDWF – Peak Demand)

Foul sewers have been designed as being 225mm diameter, with a general fall of 1:100/1:150, throughout the site (refer Drawing No.’s P180307-200 Rev. 4 & 201 Rev. 4). All on-site foul sewers have also been designed with gradients to achieve selfcleansing velocities.

The total predicted peak foul water run-off rate @ 6DWF, based on the above, from the development is estimated at 14.376l/s.

It should be further noted that a Pre-Connection Enquiry was initially submitted to Irish Water and a response was received, dated 25th June 2019, indicating that a connection to the existing network could be facilitated, for both Water & Wastewater, subject to a valid connection agreement being put in place, with associated conditions. A Statement of Design Acceptance, relating to the proposed development, was then received by Irish Water on the 12th July 2019”

The drainage network for the development will be in accordance with Part H of the Building Regulations and to the requirements and specifications of Irish Water.

Air & Noise

There are no envisaged air or noise emissions arising from the residential proposal at this site other than noises arising from traffic associated with the development.

It is our considered view that the above are not considered to be material or significant in terms of the impact on the environment.

Mitigation measures for noise associated with traffic and mitigation measures for air, which will ensure that impact is minimised throughout the project.

Noise

The enclosed Noise Assessment prepared by AWN Consulting Engineers potential noise impacts and sets out the following mitigation measures and conclusions:

“Following the implementation of the boundary noise barrier and glazing specifications outlined above the internal noise environment within the sensitive areas of the development are predicted to be within the recommended criteria adopted BS 8233. The proposed installation of the acoustic barrier along the southern site perimeter it is considered that external noise levels in amenity areas will be mitigated so as to achieve the lowest practicable levels, within reasonable design constraints, as advised by BS 8233.

In conclusion, with the implementation of mitigation measures proposed within this report, the noise impact of the M4 and railway line on the proposed residential development can be controlled such that the impact is not significant or of a level that would have a significant negative impact on the residential amenity of the proposed dwellings and outdoor spaces”.

Air

The applicant can confirm that:

- *Dust prevention measures shall be included for control of any site airborne particulate pollution. The Contractor shall monitor dust levels in the vicinity of the site using a Bergerhoff gauge instrument or in accordance with the requirements of Kildare County Council/An Bord Plenals Planning conditions.*
- *Records (if required) shall be kept of such monitoring for review by the Planning Authority.*

- The minimum criteria to be maintained shall be the limit for Environmental Protection Agency (EPA) specification for licensed facilities in Ireland, which is 350mg/m²/day.
- The Contractor shall continuously monitor dust over the variation of weather and material disposal to ensure the limits are not breached throughout the project.

Construction Stage

The potential impacts arising during the construction phase can be avoided or minimised by adopting the mitigation measures to be set out in the *Outline Construction Management Plan* which the applicant will prepare for the agreement of the Planning Authority. It is considered that this can be done by way of planning condition as part of any grant of permission issued by An Bord Pleanala.

Operational Stage

It is considered that there are not likely to be any significant effects on the environment arising from pollution or nuisances during the operational phase of the development. This is said given that the applicant will prepare an *Outline Construction Management Plan* for the agreement of Kildare County Council. It is considered that this can be done by way of planning condition as part of any grant of permission issued by An Bord Pleanala.

3.1.6 Risk of Accidents

There is a new requirement under the 2014 EIA Directive and under Schedule 7 of the 2001 Regulations to consider the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge. In addition, the risks to human health (for example due to water contamination or air pollution) should be considered.

The technologies involved for the proposed development are low risk and common in all residential developments. The end use of the proposed creche will have various health and safety and operational protocols to ensure that the risk of accidents is minimised.

In terms of Flood Risk, we refer An Bord Pleanala to the enclosed detailed and site - specific assessment prepared by Kilgallen & Partners Consulting Engineers, which is submitted herewith for reference as part of this SHD planning application.

The concluding points from the Flood Risk Assessment set out the following:

“The proposed development was subject to SSFRA in accordance with OPW Flood Risk Management Guidelines. This SSFRA did not find any indicators of the proposed development being at risk from fluvial, pluvial or groundwater flooding; also, the SSFRA did not find any indicators that the proposed development will give rise to flood risk elsewhere”.

It is our considered view that there will be no risks to Human Health as a result of the proposed development nor are there any risks of major accidents or disasters as a result of climate change.

3.2 Location of The Proposed Development

The second set of criteria under Schedule 7 relates to environmental sensitivity of geographical areas likely to be affected by the proposed development.

The following section therefore reviews the sensitivity of the receiving environment, under prescribed criteria under Schedule 7 of the *Planning and Development Regulations 2001-2018*, namely:

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- *the existing land use,*
- *the relative abundance, quality and regenerative capacity of natural resources in the area,*
- *the absorption capacity of the natural environment, paying particular attention to the following areas:*
 - a) *wetlands,*
 - b) *coastal zones,*
 - c) *mountain and forest areas,*
 - d) *nature reserves and parks,*
 - e) *areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,*
 - f) *areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,*
 - g) *densely populated areas,*
 - h) *landscapes of historical, cultural or archaeological significance.*

Existing Land Use

The proposed development will be located on a greenfield site . The subject site comprises of fields with hedgerows defining field patterns. The site is bound to the west by the existing Brayton Park development.

Existing Access is provided by the Brayton Park road. Access to the subject site is proposed via an existing access road which serves the Kilcock Primary Health Care Centre, the existing primary school, creche and the Brayton Park residential development.

A wide variety of services, amenities and facilities within Kilcock are within walking distance of the subject site.

The subject site is identified by the relevant statutory context as being capable of accommodating residential development of the form and quantum currently proposed, by way of the residential zoning governing the site. We are of the opinion that the proposal will not have any significant effect on the surrounding uses and that the proposed development has been well designed internally to ensure that residential amenities within the development are protected.

The Relative Abundance, Quality and Regenerative Capacity of Natural Resources in the Area

Having regard to the character of the receiving environment and the surrounding area, it is considered that the proposed development, individually or cumulatively, will not have any impact on the relative abundance, quality and regenerative capacity of natural resources in the area.

We refer An Bord Pleanála to the detailed landscape Masterplan and Landscape Rationale prepared by Ronan Mac Diarmada Landscape Architects, which clearly outlines that an exceptional landscaping design has been prepared for this site.

In terms of land and soil, the site is greenfield in nature.

As set out in the enclosed *Report for the purposes of Appropriate Assessment Screening* prepared by Moore Group Environmental Services Ltd it is noted also that there are no Natura 2000 sites immediately adjacent to the subject site. The aforementioned report, which addresses the matter of Natura 2000 sites in detail, includes the following concluding comments:

In this regard the *Report for the Purposes of Appropriate Assessment Screening Report* concludes that:

‘There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carlton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- *The distance between the proposed Project and the European sites considered;*
- *The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and*
- *That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.*

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

- *The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.*
- *The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.*
- *The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.*
- *It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.*

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process”.

In addition, the applicant has enclosed an Ecological Impact Statement prepared by Moore Group Environmental Services which concludes:

“The development is located in an area of low to moderate ecological value and as such predicted to have a neutral imperceptible effect on biodiversity”.

The applicant has enclosed an Archaeology Impact Assessment report prepared by IAC Archaeology, it concludes that:

“The proposed development is situated with a series of open fields in the townlands of Kilcock and Commons West within the Parish of Kilcock and Barony of Ikeathy and Oughterany in Co. Kildare. A review of cartographic sources revealed that the site remained undeveloped throughout the post-medieval period to the northwest of the town. There are two archaeological sites within the study area, the closest recorded monument consists of a bawn (KD005-019) c. 440m to the southwest in Pitchfordstown. However, the closest archaeological site comprises a SMR for an archaeological excavation (KD005-024) c. 285m to the north in Boycetown. This is the only archaeological investigation to encounter anything of significance in the study area, two pits, one of which contained a small fragment of burnt bone. The field inspection did not identify anything of archaeological significance, though the townland boundary between Kilcock and Boycetown is extant in all six of the fields it borders, as is the townland boundary between Kilcock and Commons West in the two fields it bounds.”

It is therefore our considered view that there are no environmentally sensitive elements in the immediately adjoining geographical areas, that are likely to be affected in a significant manner by the proposed development.

The absorption capacity of the natural environment, paying particular attention to the following areas:

- i) wetlands,
- j) coastal zones,
- k) mountain and forest areas,
- l) nature reserves and parks,
- m) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
- n) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
- o) densely populated areas,
- p) landscapes of historical, cultural or archaeological significance.

The accompanying reports submitted herewith, have clearly set out that the natural environment can easily absorb the proposed development.

Notably, the reports and documentation prepared by Pinnacle Consulting Engineers (Traffic, Services and Construction Pollution Statement) and Ronan MacDiarmada Landscape Architects (Landscape) confirm that the proposal can be easily accommodated.

We refer An Bord Pleanála to these documents enclosed herewith for further consideration of this matter.

3.3 Type and Characteristics of Potential Impact

The final set of criteria to be considered under Schedule 7 relates to the characteristics of the potential impact and the location of the proposed development having particular regard to the following matters:

“The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—

(a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),

(b) the nature of the impact,

(c) the transboundary nature of the impact,

(d) the intensity and complexity of the impact,

(e) the probability of the impact,

(f) the expected onset, duration, frequency and reversibility of the impact,

(g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and (h) the possibility of effectively reducing the impact.”

We have already given consideration, under the above Sections, to the effects of the proposed development in the context of the criteria listed under paragraph 1 and paragraph 2 of Schedule 7 (i.e. characteristics of the proposed development and the location of the proposed development).

Further detail is now provided, as required by the Schedule criteria, on the aspects of the environment referred to under section 171A of the 2000 Act.

Section 171A of Planning and Development Act 2000, as amended

The effects of the proposed development on the following factors needs to be evaluated in an “environmental impact assessment” as defined under Section 171A of the 2000 Act:

- i. “population and human health;*
- ii. biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;*
- iii. land, soil, water, air and climate;*
- iv. material assets, cultural heritage and the landscape;*
- v. the interaction between the factors mentioned in clauses (I) to (IV)” (Section 171A of Planning and Development Acts 2000 as amended⁴).*

The above topics are considered below.

⁴ As amended by Article 16 of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

(i) Population and Human Health

Population

Following a review of the Core Strategy set out in the Kildare County Development Plan 2017-2023, it is evident that there is a clear mandate for the delivery of a significant number of residential units over the lifetime of the Development Plan to address the population envisioned for the area.

The following points of the Core Strategy are considered relevant for consideration vis a vis the current proposal:

Table 2.4 (page 43) of the Core Strategy sets out a target population of 253,600 by 2023 and a housing target of 113,243 by 2023.

The documentation, provided as part of this application, demonstrates how the proposal meets and can deliver on the Council's vision for the area.

Human Health

It is evident from a review of the Core Strategy that the current development aligns with the core strategy in terms of addressing the population increase forecast for the county. Most notably:

- The proposal bridges aims contribute towards the delivery of the 113,243 residential units required by 2023.
- The development as submitted will contribute 345 residential units.
- The subject site has a number of locational advantages being adjacent to public transport services (including train and bus services), in close proximity to Kilcock and close to a major centre of employment. As such, the site is best placed to provide a substantial supply of residential housing at an appropriate location.
- The subject site is a substantial landbank (c. 11.56 ha) and carries significant opportunity to delivery of 345 units required across the county.
- The proposal clearly accords with the Development Plan vision for the site i.e. residential development is permitted in principle.

Having regard to the nature of the proposed development (i.e. residential units and a creche) effects on human health arising from a residential development are more likely to arise during the construction phase and not the operational phase. However, measures to avoid, minimise or reduce construction impacts have been described in the Construction Pollution Statement prepared by Pinnacle Consulting Engineers as well as the enclosed Arborist Impact Assessment prepared by ArborCare Arborist. In addition the applicant would welcome a condition attached to any decision to grant to submit a *Construction Management Plan for the agreement of the Planning Authority which will address inter alia* impacts arising from construction traffic, dust and dirt, noise and vibration, and pollution control. This will ensure that no likely significant effects on human health will arise during the construction phase.

With regard to the operational phase of the development, it is not considered that there are any risks to human health. We note specifically that the design of proposed vehicular accesses has been designed to accord with all relevant standards and is considered the most appropriate and comprehensive option in delivery of a safe vehicular access arrangement.

We note also that the risk of flooding has been minimised. Notably, the Flood Risk Assessment prepared by Kilgallen & Partners Consulting Engineers submitted herewith has set out that:

“In terms of Flood Risk, we refer An Bord Pleanala to the enclosed detailed and site - specific assessment prepared by Kilgallen & Partners Consulting Engineers, which is submitted herewith for reference as part of this SHD planning application.

The concluding points from the Flood Risk Assessment set out the following:

“The proposed development was subject to SSFRA in accordance with OPW Flood Risk Management Guidelines. This SSFRA did not find any indicators of the proposed development being at risk from fluvial, pluvial or groundwater flooding; also, the SSFRA did not find any indicators that the proposed development will give rise to flood risk elsewhere”.

(ii) Biodiversity, with Particular Attention to Species and Habitats Protected under the Habitats Directive and the Birds Directive

As already referred above, the Appropriate Assessment Screening Statement prepared by the Moore Archaeological and Environmental Services Ltd. concludes for the reasons set out in their report, that there will be no adverse impact on the integrity of any European sites arising from the proposed development, either alone or in-combination with other plans and projects.

Concluding comment are set out below:

“In addition, the Report for the Purposes of Appropriate Assessment Screening Report concludes that:

‘There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- *The distance between the proposed Project and the European sites considered;*
- *The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and*
- *That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.*

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

5. *The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.*
6. *The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.*
7. *The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.*

8. *It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.*

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process”.

In addition, the applicant has enclosed an Ecological Impact Statement prepared by Moore Group Environmental Services which concludes that:

“The development is located in an area of low to moderate ecological value and as such predicted to have a neutral imperceptible effect on biodiversity”.

(iii) Land, Soil, Water, Air and Climate

Potential indirect effects from surface water and foul effluent generated during both construction and operational phases have been considered in the *Report for the purpose of Appropriate Assessment Screening Statement* prepared by Moore Group Environmental Services.

The conclusions of these reports have been addressed in the preceding sections and it is clear that there are no significant effects on the environment either at construction or operational stages of the project.

In addition, the report prepared by Kilgallen & Partners Consulting Engineers which deals with Flood Risk Assessment concludes that the *“The proposed development was subject to SSFRA in accordance with OPW Flood Risk Management Guidelines. This SSFRA did not find any indicators of the proposed development being at risk from fluvial, pluvial or groundwater flooding; also, the SSFRA did not find any indicators that the proposed development will give rise to flood risk elsewhere”*

With regard to SUDs, there are no predicted negative effects on the water environment arising from the operational phase.

Overall, and subject to the implementation of recommended mitigation and monitoring measures, it is not envisaged that the proposal will not have any significant effect on water during the construction phase.

The applicant would welcome a condition attached to any decision to grant to submit a *Construction Management Plan for the agreement of the Planning Authority which will address inter alia* impacts arising from dust and dirt, noise and vibration, and pollution control. Provided the dust minimisation measures outlined in the *Construction Management Plan* are adhered to, effects on the air quality during the construction phase will not be significant and will be temporary. The likely overall magnitude of the changes on air quality in the operational stage is imperceptible.

The likely overall magnitude of the effects on climate in the operational stage is imperceptible and long-term.

No significant effects are anticipated on land, soil, water, air or climate during the construction phase having regard to the measures to be adopted under the *Construction Management Plan* TO BE prepared by the applicant and agreed with the Kildare County Council. Furthermore, no significant effects are anticipated on these aspects of the environment during the operational phase either.

(iv) Material Assets, Cultural Heritage and the Landscape

There is a clear mandate for the development of this site for residential development subject to compliance of any forthcoming proposal with the policies and objectives contained within the Kildare County Development Plan 2017-2023 and the Kilcock Local Area Plan 2015-2021.

We refer An Bord Pleanála to the accompanying material enclosed herewith which sets out the compliance of the scheme with these plans.

We note specifically that the site is zoned for residential development with a stated land use objective to “To provide for new residential development in the Bawnogues area of the town. This zoning provides for new residential development and other services incidental to residential development”.

There is also a clear mandate at government level to deliver on residential units at appropriate locations (National Planning Framework, Rebuilding Ireland programme and New Apartment Guidelines).

Matters of waste during the construction and operational phases have been addressed in detail in preceding sections.

Conservation / Archaeology

An Bord Pleanála are referred to the enclosed Archaeological Assessment relating to the subject site prepared by IAC Archaeology Ltd.

The aforementioned report concludes:

The proposed development is situated with a series of open fields in the townlands of Kilcock and Commons West within the Parish of Kilcock and Barony of Ikeathy and Oughterany in Co. Kildare. A review of cartographic sources revealed that the site remained undeveloped throughout the post-medieval period to the northwest of the town. There are two archaeological sites within the study area, the closest recorded monument consists of a bawn (KD005-019) c. 440m to the southwest in Pitchfordstown. However, the closest archaeological site comprises a SMR for an archaeological excavation (KD005-024) c. 285m to the north in Boycetown. This is the only archaeological investigation to encounter anything of significance in the study area, two pits, one of which contained a small fragment of burnt bone. The field inspection did not identify anything of archaeological significance, though the townland boundary between Kilcock and Boycetown is extant in all six of the fields it borders, as is the townland boundary between Kilcock and Commons West in the two fields it bounds.

There are no matters of conservation or archaeology for consideration in this case.

Traffic

An Bord Pleanála will note from a review of the Traffic Assessment submitted by Pinnacle Consulting Engineers that traffic generated by the proposed development will be relatively low and is not expected to result in a significant impact. We note specifically the following summary from Section 6 of the Transport Assessment:

“The results of the junction analysis undertaken demonstrates that traffic from the proposed development can be accommodated on the surrounding road network and is within reasonable limits having regard to the residential nature of Brayton Park access road and the surrounding areas.”

“The Transport Assessment demonstrates that the traffic generated by the proposed development can be accommodated within the surrounding road network and will (have) no adverse impact on the junctions modelled.”

(v) Interaction between Factors and Cumulative Impacts

It is concluded that there are no likely significant effects or cumulative impacts anticipated arising from the interaction between the factors considered in this Screening Report.

Characteristics of Potential Impacts

In relation to the extent of the impact of the proposed development during the construction phase, the vast majority of impacts are local (with no transfrontier impact), are acceptable in terms of the magnitude of impact and are temporary, as they will last only for the period of construction.

The potential impacts arising during the construction phase are not complex and can be addressed by good construction practice that includes, in particular, the mitigation measures set out in the Construction Pollution Statement prepared by Pinnacle Consulting Engineers as well as the enclosed Arboriculture Impact Assessment prepared by ArborCare Arborist. In addition the applicant would welcome a condition attached to any decision to grant to submit a *Construction Management Plan for the agreement of the Planning Authority* addresses *inter alia* impacts arising from construction traffic, dust and dirt, noise and vibration, and pollution control

It is considered that the proposed development will not have any significant effects on any European Site for the reasons referred to in the Report for the purposes of Appropriate Assessment Screening prepared by Moore Group Environmental Services.

The proposed development is entirely consistent with the provisions of the ‘*Kildare County Development Plan 2017-2022 and the Kilcock Local Area Plan 2015-2021*’ and it is considered that the effects of the proposed development on the environment during the operational phase will not be significant.

In terms of cumulative effects, reference is made to accompanying reports, where all impacts and associated proposals for mitigation measures are set out.

It is our professional opinion that the proposed development, when considered in conjunction with the in-combination effects of other projects or plans, is not likely to have a significant effect on the environment. We note specifically that there are no recent applications in the area that will have any significant cumulative environmental impacts when considered together with the proposed development.

4 ASSESSMENT FINDINGS

This report addresses the information to be provided by the applicant for the purposes of screening sub-threshold development for environmental impact assessment. The relevant information to be furnished is set out under Schedule 7A of the *Planning and Development Regulations, 2001*, as amended by the 2018 Regulations. Paragraph 4 of Schedule 7A requires that: ‘*The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.*’ In this report, the information has been set out under the more detailed headings provided for under Schedule 7. In effect, this ensures that all of the information required under Schedule 7A has been furnished. This facilitates the competent authority in carrying out its EIAR screening assessment.

In addition to the this EIAR screening assessment, we refer An Bord Pleanála to the enclosed Legal Opinion prepared by Eamon Galligan S.C. dated 28.1.2019 which concludes the following;

“For the development to require an EIA or screening for an EIAR, it must be located on a site within either a city or town or a “development area” that is adjoining a city or town, as so defined under the Local Government Act 2001.

A “built up area” defined as –

*“built -up area” means a city or town (where “city” and “town” have the meanings assigned to them by the Local Government Act, 2001), or an adjoining **development area**;*”

However, the site of the proposed development comprises a green field site on the edge of the developed settlement of Kilcock. It is not located within a developed area as it is surrounded on three sides by undeveloped land. Therefore, even if Kilcock could be regarded as a town for the purposes of the definition of a “business district”, the site does not require an EIAR because it is not within a developed area. The site is clearly not within the town of Kilcock.

Furthermore, Kilcock is not designated as a “town” for the purposes of the Local Government Act 2001 (albeit that the definition of a “town” under that Act has been appealed) and would appear therefore that the site does not adjoin a city or town for the purposes of this call of EIA development.

The fact that the site may be within the development boundary for Kilcock does not affect the application of para 10(b)(iv), Part 2, Schedule 5 of the 2001 Regulations as it is the actual unbuilt context of the development site rather than its development plan designation or potential future development status that is relevant to the application to this category of EIA development.

I am therefore of the opinion that the proposed development does not fall within para 10 (b)(iv), Part 2, Schedule 5 of the 2001 Regulations:

“(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).

Accordingly, an EIA or screening for EIA is not required under the legislation.”

It is evident from the above Legal Opinion that the proposal (345 dwellings and a crèche facility on a site of 11.56ha) is sub - threshold for the preparation of an EIAR.

The proposed development does not meet any of the thresholds set out in Schedule 5 of the *Planning and Development Regulations 2001*, as amended, so that it is clear that there is no requirement for a mandatory EIAR.

The proposed development will not give rise to any likely significant impacts on the environment having regard to the sub-threshold assessment criteria set out in Schedule 7 of the *Planning and Development Regulations 2001-2018* and taking into account the mitigation measures referred to above.

Therefore, it is our professional opinion that an EIAR is not required.

5 APPENDIX 1 - LIST OF COMPETENT PERSONS

Competent Person	Company	Area of Expertise	Qualifications	Summary of Professional Expertise
Laura Brock	Brock McClure Planning Consultants	Planning	MRUP MIPI MRTPI	<p>Laura is a founding partner of Brock McClure Consultants. With over 15 years planning experience in both the public and private sector, Laura has worked on a wide range of projects spanning across both statutory and strategic planning fields.</p> <p>Prior to working in a Town Planning Consultancy Laura worked as a Surveyor and brings a particular commercial awareness to all projects she is involved in. Laura’s varied background allows her to bring commercial acumen and practical advice to all facets of the planning and development process.</p> <p>Laura has extensive experience in leading multi-disciplinary teams in the preparation of planning applications for large scale developments. She also has significant experience in the preparation of Environmental Impact Statements.</p> <p>Laura is a Corporate Member of the Irish Planning Institute and Royal Town Planning Institute.</p>
Paul Urwin	C+ W O Brien Architects	Lead Architects	BA (Hons), NZCad	<p>Paul had worked in a number of private practices in both London and his native New Zealand, before relocating to Ireland in 1999. With over 30 years’ experience in the Architectural field, Paul has worked on a varied number of residential and commercial projects, with his role ranging from initial planning concept to on site construction.</p> <p>After his relocation to Ireland, he joined OBK Architects with his role expanding to becoming an Associate in 2002 and a Director in 2004. Projects included large scale</p>

				<p>residential and mixed-use developments, shopping centres and town centre re-development plans, hotels, care homes and a varied range of commercial developments. Duties included initial concept design, liaising directly with senior planners and clients at the outset of major development schemes, co-ordination with consultants, staff supervision and recruitment.</p> <p>Paul is currently Design Manager and Associate Director at CW O'Brien Architects.</p>
Ronan Kearns	Pinnacle Consulting Engineers	Civil & Structural Engineers Traffic and Transport	<p>MSC in Civil Engineering Science - Transport</p> <p>Silicon Valley Immersion Programme</p> <p>Master of Business Administration</p>	<p>Team Leader responsible for multidisciplinary Business Development and Project Delivery.</p> <p>Chartered Engineer with over 10 year's experience in the Project Management, Planning, Design, Procurement and Construction Management of infrastructure relating to the delivery of residential, retail and commercial (including data centres) developments.</p>
Shaun O Reilly			Pr Tech Dip CEng	<p>Shaun is an Engineer with over 35 years post qualification experience.</p> <p>Shaun has worked with Pinnacle Consulting Engineers for almost 12 years on a wide range of projects.</p>

Ronan Mac Diarmada	Ronan Mac Diarmada Landscape Architects	Landscape Architecture	B.Agr.Sc. (Land. Hort.)	<p>Ronan has over 25 years’ experience working as a Landscape Architect. Ronan founded RMDA in August 2001 and over the years he has provided a wide variety of clients with professional services in the areas of landscape architecture, planning, master planning & design. RMDA are involved in sitework including taking sites in charge and bond release in liaison with local authorities. Ronan is very experienced in the preparation of landscape masterplans for large scale developments and strategic housing development applications.</p> <p>Ronan works with a variety of clients across commercial & residential developments, healthcare and education campuses. RMDA have many repeat clients due to the nature of the design work produced and the practical working solutions provided to suit all budgets with a focus on high quality and aesthetically pleasing landscape architecture.</p> <p>RMDA was the first Landscape Architecture Practice to sign up to the All-Ireland Pollinator Plan. Biodiversity and sustainability are at the core of Ronan’s philosophy. RMDA endeavour to work within the available landscape in both urban and rural settings to preserve where possible the existing environment, instead using features of the landscape to provide recreational areas or architectural focus.</p> <p>Ronan believes good landscape architecture design should promote vibrant and sustainable safe living areas and public open space.</p>
Martin Redmond			B. Sc. Landscape Architecture	<p>Martin graduated from UCD as a qualified Landscape Architect in 2018. Martin began working with RMDA as a graduate in June 2018 and over the past eighteen months has become a key member of the team, project</p>

				managing a number of high-profile planning applications. Martin was involved in the planning applications for Kilcarberry (c. 975 units) and Clongriffin (c. 1,400 units).
Michael Garry	Arborcare	Consulting Arborist	<p>BA Arboriculture and Amenity Forestry.</p> <p>Postgraduate Diploma Applied Science (Ecological Assessment)</p> <p>Lantra Awards- Professional Tree Inspection</p> <p>International Society of Arboriculture (ISA). Qualification Obtained: ISA Certified Arborist</p>	<p>The proprietor of Arborcare, Michael Garry, has twenty years experience in the tree care industry, both at an academic and practical level. With offices in Limerick and Dublin, Arbor-Care provides a nationwide service.</p> <p>In 1999 Michael successfully completed a three year diploma in Arboriculture from Myerscough college in Preston, England, which is known as a centre of excellence for arboriculture. The second year of this diploma was a year spent in the industry, where Michael worked in Italy for Fito-Consult under the expert guise of Dr. Danielle Zanzi. Upon completion of the diploma, Michael went on to further his studies in arboriculture and successfully graduated from the University of Aberdeen with a BSc in Arboriculture and Amenity Forestry.</p> <p>After successfully graduating, Michael went on to work as a consulting arborist for a prominent Arboricultural consulting company in Toronto, Canada. During his time in Canada he went on to become an International Society of Arboriculture Certified Arborist. Arbor-Care Professional Consulting Tree Service aims to provide the most professional consulting tree service based on both National and International experience</p> <p>Having returned from Canada in 2005, after working as a tree consulting arborist for three years, Michael Garry (Arbor Care) establish his own company. His experience working with one of Toronto's most prominent Tree Care company's led Michael to establishing Arbor-Care</p>

				<p>Professional Consulting Tree Service, covering all aspects of tree preservation.</p> <p>Michael Garry is a past board member of Crann, an NGO organization set up to raise awareness of the environmental importance of trees, hedgerows and woodland.</p>
Ger O'Donohue	Moore Group	Ecologists	B.Sc. M.Sc.	<p>Ger has 25 years' experience as an environmental consultant with particular experience in the planning and management of Environmental Impact Assessments. His primary role in Moore Group is as Principal Ecologist in the management and compilation of Environmental Impact Statements/ Assessment Reports and undertaking Ecological Impact Assessments of the terrestrial and aquatic environments of any particular development.</p> <p>Ger has excellent knowledge of Environmental Legislation, Planning and Policy. He has extensive experience in freshwater and marine ecology and in terrestrial habitat surveying and mapping.</p> <p>Ger's detailed experience includes:</p> <ul style="list-style-type: none"> • Appropriate Assessment; Stage 1 Screening & Stage 2 NIS, • Environmental Impact Statements/Assessment Reports, • Ecological Impact Assessments, • Phase 1 Habitat Surveys, • Biological Water Quality Assessments, • Bat Surveys, • Invasive Species Surveys and Japanese Knotweed Management Plans.

				<p>Ger has carried out work for Irish Water, Transport Infrastructure Ireland, Donegal National Road Design Office, Westmeath Regional Road Design Office, Meath Co. Co., Wexford Co. Co., Mayo County Council, Galway Co. Co., Clare Co. Co., Kells Town Council, Castlebar Town Council, the Marine Institute, Waterways Ireland, ESB International, ESB Networks, the Dublin Airport Authority and various engineering consultancies, project management consultancies and private developers.</p> <p>He has carried out a number of ‘Appropriate Assessments’ as required under the EU Habitats Directive for developments likely to have significant impacts on Nature 2000 sites. He has also carried out Appropriate Assessments and produced Natura Impact Reports for a number of plans including Masterplans, Local Area Plans and Town Development Plans.</p> <p>He is a member of BirdWatch Ireland, the Irish Whale & Dolphin Group and Bat Conservation Ireland and the Chairperson of the Galway Bat Group.</p> <p>Ger is a guest lecturer on the M.Sc. in Biodiversity and Land Use Planning Course in NUI Galway.</p>
John O’ Toole	Dunes Visuals Limited	Visual Consultants	Director Dunes Visuals	John is a Director at Dunes Visuals Limited. He has extensive experience in the preparation of Photomontages and CGI’s for significant residential proposals throughout Ireland for a wide range of clients.
Faith Bailey	IAC Archaeologist	Archaeology & Conservation Consultant	BA, MA, MCIfA	Faith is a Senior Archaeologist and Cultural Heritage Consultant with IAC Ltd. She holds an MA in Cultural Landscape Management and a BA in single honours archaeology from the University of Wales, Lampeter. She is a licence eligible archaeologist and has over 13 years’ experience working in commercial archaeology.

Leo Williams	AWN Consulting Engineers	Acoustics	BA, BAI, MAI, Pg Dip, AMIOA	Leo Williams (Acoustic Consultant) graduated from TCD with a BA, BAI (Mechanical and Manufacturing Engineering) and a MAI (Mechanical and Manufacturing Engineering). Leo is an Associate Member of the Institute of Acoustics (IOA) and has 4+ years' experience in environmental noise impact assessment, in particular industrial/manufacturing and renewable energy noise sources. He has experience in room and building acoustics modelling and assessment. He completed the IOA Diploma in Acoustics and Noise Control
Graham Sheehan	Sabre Electrical Services	Public Lighting design and installation	Diploma in Outdoor lighting Design	<p>MILP is Member Institute of Lighting Professionals. 25 years experience in lighting design.</p> <p>By way of an example, Graham has provided the lighting designs, supply and installation of all of the public lighting for the projects set out below:</p> <p>Ballymore Homes, Craddocktown, Bellingfield, Piperhill, Greystones, Seamount Malahide.</p> <p>Castlethorn Construction Adamstown Development since it commenced in 2006, Belermine, Dunsauglin, Gracepark Road, Rathbourne.</p> <p>Cairn Homes developments, Shackleton, Airlie Park, Churchfields, Glenherron Greysrones, Jigginstown Naas, Citywest, Balgriffin.</p> <p>Gannon Homes developments, Millers Glen Swords, Oldtown Swords, Beltree Balgriffin.</p>
Eamon Galligan	Senior Counsel (SC)	Planning & Local Government Law Environmental Law Constitutional Law	BA(Mod), MRUP (Town Planning)	Eamon Galligan SC specialises in Planning and Environmental law, compulsory purchase, local government and constitutional law. He is also a qualified Town Planner. He is author of <i>Irish Planning Law and Procedure</i> (Round Hall) and editor of the <i>Irish Planning and Environmental Law Journal</i> .

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