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**Report  
To  
An Bord Pleanála**

**Potential Significant Effects on the Environment**

**/European Sites**

**Consequent on  
SHD Residential Development**

**At**

**Earl's Court,**

**Kill,**

**Co. Kildare**

**For**

**McCourt Investments Limited**

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## **INTRODUCTION**

### **Purpose of the Report**

The purpose of this report is to provide a brief description of the possible effects on the environment of the proposed development, highlighting any aspect of the development likely to have significant effects on the environment or on a European Site.

The applicant for planning permission has prepared this report to accompany an application for a development, described as follows: -

Residential development of 130 no. dwellings, 2 no. vehicular connections to The Avenue, Earl's Court and a further pedestrian link at No. 16 The Green, Earl's Court and all associated and ancillary site development works.

### **Revised Residential Development Proposal 2017**

Following the pre-application consultation with Kildare County Council and An Bord Pleanala in 2017, the development plan was amended to include the following changes: -

- a) The proposed development will consist of 130 residential units
  
- b) The crèche has been removed from the proposed development
  
- c) A revised block and public open space structure to engage better with Kill Hill
  
- d) The buffer to Kill Hill has been increased from 10m to 13m
  
- e) The typology of houses has been rationalized to be provide a better range of dwellings; this includes complying with Kildare County Council's Housing Department requirements
  
- f) A tree survey and ecological report will be submitted as part of the application
  
- g) The revised proposal includes opinions on a landscape strategy that should differentiate between the area adjacent to Kill Hill which is envisioned as a somewhat 'wild' area, with a strategy that should include leaving the existing hedgerow and its integral ecology intact

h) The revised proposal includes opinions on a landscape strategy for how Kill Hill and the area under Preservation Order can be developed as a heritage amenity for Kill village

i) A photomontage has been created and included in this report to illustrate the visual impact of the development with regard to Kill Hill (see Archaeological Report; Section 7).

### **Planning Policy Context**

The proposed development is consistent with national, regional and local policy for development in the area, located within Co. Kildare.

The National Spatial Strategy advocates the consolidation of the Dublin Metropolitan Area. The proposed development is in accordance with policies of the Kildare County Development Plan 2017-2023 in respect of land use zoning, residential and development control standards.

### **Screening for Environmental Assessment**

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory legislative threshold requirements or in the case of sub threshold development, by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment. Annex 1 of the EIA Directive requires as mandatory the preparation of an EIA for all development projects listed therein. Schedule 5 (Part 1) of the Planning & Development Regulations 2001 (as amended) transposes Annex 1 of the EIA Directive directly into Irish land use planning legislation. The Directive prescribes mandatory thresholds in respect to Annex 1 projects.

Schedule 5, Part 2 - Infrastructure projects

- (b) (i) Construction of more than 500 dwelling units.
- (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
- (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres;
- (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.)

The proposed development does not exceed the thresholds that require a mandatory EIA.

### **Scope of Environmental Impact Assessment**

The scoping exercise is intended to shape and inform the EIA process and to ensure that any potential impacts that may be important are not dismissed. The scoping of the EIA also focuses on any other issues that may need to be addressed.

An informal scoping process to identify the issues that were likely to be most important during the Environmental Impact Assessment process for the proposed development has been carried out, having regard to the following:

- Guidelines on the recommended information to be contained in EIAR, which have been published by the EPA;
- The requirements of Part X of the Planning and Development Act, 2000 (as amended) and also Part 10 of the Planning and Development Regulations, 2001 (as amended);
- The requirements of the Kildare County Development Plan 2017-2023;
- Relevant Regional and National Planning Policy Documents;
- Design Manual for Urban Roads and Streets (2013);
- Issues raised during meetings with technical staff of Kildare County Council;
- The receiving environment and any vulnerable or sensitive local features and current uses;
- Previous planning applications that have been submitted on the subject and adjoining lands;
- The likely and significant impacts of the proposed development on the environment; and

- Available mitigation measures for reducing or eliminating any potentially significant undesirable impacts.

The topics examined in this report are categorised under some or all of the environmental factors given in the Directive<sup>1</sup> and as advised by An Bord Pleanála: -

Population and Human Health

Biodiversity

Land & Soils

Water

Air

Climate

Material Assets

Cultural Heritage

The Landscape;

The expected effects deriving from the vulnerability of the project to risks of major accidents and/or disasters;

The interrelationship between the above factors.

### **Primary Possible Effects on the Environment**

A Pre-Planning meeting under Section 247 was held in the offices of Kildare County Council on Tuesday 8th August, 2017. The main issues highlighted by Kildare County Council in respect of the proposed development, from an environmental perspective, are: -

- Access to community support facilities – Population and Human Health issues;
- Overhead Power lines – Population and Human Health;
- Integration – Sustainable Travel patterns;
- Landscape and Visual amenity aspect;
- Biodiversity, Lands and Soils;
- Cultural Heritage – Archaeology and History;
- Water, Air, Climate.

### **Population and Human Health**

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<sup>1</sup> Revised Guidelines on the information to be contained in Environmental Impact Statements September 2015

Kill is designated as a small town in the Kildare County Development Plan 2017 – 2023 (KCDP) Settlement Strategy. Small Towns within the Dublin -Hinterland area generally comprise populations of 1,500 – 5,000. Their role is to develop as key local centres for services with levels of growth to cater for local need at an appropriate scale and to support local enterprise to cater for local demand. The rate of growth will be controlled to limit pressure on services, the environment and unsustainable commuting patterns.

Small Town Plans have been prepared to provide a planning framework for their future development and are detailed in Volume 2, Section 1 of the KCDP.

Kill had a population of 3,095 in 2011 and 3,268 in 2016, with an estimated 1200 houses in 2011, which increased to 1,230 in 2016. The population allocation is an increase of 1.30%, adding 422 houses and reaching housing target of 1,652 a population target of 3,641 by 2023. The housing lands with planning permission but not built was taken into account in the calculation.

The KCDP and all elements of policy and zoning have been subject to SEA and AA carried out in conjunction with the preparation of the KCDP.

#### **Crèche, Pre-School and Primary School Facilities:**

A crèche proposal is an essential consideration in any application for residential development in excess of 75 units. The crèche design as approved by Kildare County Council as part of the previous planning applications has been retained for this revised proposal with minor modifications to the parking and open space layout. The sustainability of a crèche on the subject site however is questionable as there are a number of crèche facilities already operating in the area.

An independent Pre-School facility (Scoil Bhríde pre-school) currently operates in the new Scoil Bhríde primary school where there are a number of spare classrooms. The new Primary School only operates a three tier system and all classrooms are not in demand for primary education. Accordingly the Pre-School has filled the vacuum. The proximity and capacity of this facility seriously undermines the viability of a crèche/pre-school on the subject site.

In addition, it is noted that the 155m<sup>2</sup> crèche facility built under Reg. Ref. 04/1143 at Newtown Manor in Kill has not yet been occupied. A further crèche (155m<sup>2</sup>) approved under Reg. Ref. 12/0963 (EOD of Reg. Ref. 07/1474) forms part of a housing development under 12/0963 but construction work on this crèche has not commenced yet. If these childcare facilities were completed and made available, they would go some distance towards fulfilling the childcare needs for the area.

Notwithstanding the foregoing the applicants have included a crèche building in this planning application, as required, but its viability from an environmental efficiency perspective may need to be re-assessed during the build-out of the site.

A 960 pupil primary school has recently been completed and opened at Kill Hill immediately north of the subject site.

### **Overhead ESB Lines**

Overhead ESB Lines (110KV) traverse the site. Following discussion with the ESB, it has been advised that a 20m clearance from its centre-line must be maintained, for human health and safety reasons, in a similar manner to that previously approved in the extant planning permission on these lands. This requirement has been accommodated in the overall design of the layout as mitigation of potential effects on human health.

There are no ‘twinpost sets’ or pylons on the site. The height of the cables was raised by 6m over and above normal cable heights, so as to be less intrusive on the site when developed. It should be noted that it is the policy of the ESB not to “underground” 110KV lines.

### **Integration – Sustainable Travel Patterns**

All of the roads within the revised scheme comply with the provisions of DMURS: -

- All roads are 5 or 5.5m wide as appropriate and footpaths throughout will be 2m wide;
- The proposed scheme provides for connectivity to the Earls Court development as approved under 06/1091;

- In addition it is proposed to provide a further pedestrian connection at the north-west of the site adjacent to No. 16 The Green, Earls Court;
- The existing gravel track at Kill Hill Lane will be widened and improved with footpaths and public lighting similar to that provided for in the extant permission;
- Kill is served by Bus Eireann route No. 126, accessing Kildare and Dublin;
- Sallins train station is located within 5 km.

Therefore, the development integrates with existing development to facilitate walking and cycling and the locality is served by bus and rail public transport.

### **Landscape and Visual amenity aspect**

Kill is generally low-lying adjoining the N7 major transportation corridor. The subject site is an unremarkable piece of agricultural landscape, typical of the locality. Kill Hill, located to the east of the site adds an element of visual interest to the landscape. The Kill N7 grade separated junction and the transport corridor also has a visual context impact on the site.

The land is zoned for residential development and is contiguous with previously completed residential development. Therefore, the subject development will integrate with the small town context and will not have a significant impact upon landscape and visual amenities.

### **Biodiversity, Lands and Soils**

As improved grassland used for grazing monoculture, the biodiversity level on the lands would be severely limited. The subject lands are bounded by hedgerows, which are discontinuous on the west side and on the north side. Hedgerows that would support a limited extra amount of species are located on the eastern side at the foot of Kill Hill and will be preserved after development.

The development will include open space and landscaping and gardens in a relatively low-density setting, which will encourage urban associated biodiversity.

No significant excavation of soils is required and topsoil will be recycled in landscaping and in gardens.



**Aerial Context Map**

### **Archaeology**

As part of the extant permission, a Report on an Archaeological Assessment and Investigation was prepared and submitted to Kildare County Council. As required mitigation of potential impacts: -

- A 10m buffer zone (around the external perimeter enclosure of the Recorded Monument RMP No. KD 020:001 Kill Hill hilltop enclosure to the east of the lands as shown on the site plan) will be maintained;
- In addition a minimum 20m – 21.6m buffer zone from the southern boundary enclosure of the site (adjacent to RMP Nos. KD 019:010 Enclosure Site; 019:057 Hilltop Enclosure/Possible Ringfort Site; 020:001 Hilltop Enclosure/Possible Hillfort and two other monuments within the zone of Archaeological Potential KD019:008{01}) will also be maintained.

The recommendations of the Department of Environment, Heritage and Local Government will be adhered to in the development of the site. A copy of this Report together with correspondence from Department of Environment, Heritage and Local Government has been submitted to An Bord Pleanala.

### **Impact of Proposed Development**

The proposed development scheme has been revised following pre-planning consultations with Kildare County Council and An Bord Pleanala. The recommendations relating to archaeology have been included in the revised scheme. In summary: -

- The proposed development will not impact any upstanding archaeological monuments. The motte and bailey (SMR 19:8) and enclosure (SMR 19:10) are outside the boundaries of the development site to the south and south west. The archaeological complex on Kill Hill (KD020-001) to the east will also not be directly impacted.
- The proposed development will consist of a medium scale housing estate and ancillary works which will involve significant ground works during the construction phase. The archaeological material uncovered during the 2005 test excavation will be directly impacted by the proposed development works.
- The recommended buffer zone of 10m has been increased to 13m along the eastern boundary of the development site. A southern buffer zone of 20m has also been included in the development.
- The area to the south subject to a Preservation Order will not be affected by the proposed development works.
- The development area has been zoned for residential housing under the 2017 Kildare County Council Small Town Development Plan. The recommendations contained within the unpublished 2004 Archaeological Assessment Report for Kill Village and Environs have not been incorporated into the 2017 Development Plan.

- The visual impact on Kill Hill and Environs has been reduced by the redesign of the development including; extended public open spaces redistributed to open up vistas to Kill Hill and increased buffer zones to protect the archaeological integrity of the site complex. Additional reports on trees and ecology will be submitted as part of this application.

### **Vulnerability**

There are no identified sources of risk from centres likely to potentially cause major accident in the vicinity, or known possible exposure to natural disasters, from flooding or other sources.

### **Water, Air, Climate**

The KCDP indicates that urban water supply and waste water services are available to serve the development. The agents for the landowner have contacted Irish Water and have received confirmation as to the availability of infrastructure. Therefore, there will be no need to source groundwater or to discharge foul water to site waste water treatment, or to ground or to watercourses.

All surface water discharge will be subject to SUDS.

High targets are set for BER rating therefore consumption of non-renewable fuels and discharges to the atmosphere will be minimised.

Therefore, effects on these parameters will be insignificant.

### **Inter-relationship of above factors.**

The subject lands are located within an identified settlement that has been growing and that has a target for added expansion. The statutory plan has been subject to recent SEA and AA.

The interaction of established infrastructure will have a positive effect in the human environmental context, allowing rapid integration and support of and for existing urban

services. Other interactions have been noted and mitigated in design, such as impacts on landscape, hedgerows, land and soils and archaeology.

### **Conclusion**

No significant negative effects on any of the environmental factors to be considered under the EIA Directive are anticipated as a result of the proposed development.

**Simon Clear**

**13<sup>th</sup> December 2017**