

Case Reference / Description	131 no. dwellings and associated site works. Kill Hill and Earls Court, Kill, Co. Kildare.		
Case Type	Section 5 Pre-Application Consultation Request		
1st/2nd/3rd Meeting	1 st Meeting		
Date:	11 th September, 2018	Start Time	2:30 pm
Location	Offices of An Bord Pleanála	End Time	3.45 pm
Chairperson	Tom Rabbette	EO	Cora Cunningham

Representing An Bord Pleanála:

Tom Rabbette, Assistant Director of Planning
Una Crosse, Senior Planning Inspector
Cora Cunningham, Executive Officer
Ciaran Hand, Executive Officer

Representing Prospective Applicant:

Claire McManus, JFOC Architects
John Kavanagh, Icon Archaeology
John O'Connor, JFOC Architects
Nora Shortall, JFOC Architects
Simon Clear, Clear Consulting Planning Consultants
Paul Moran, POGA Consulting Engineers
Dominic Stevens, JFOC Architects

Representing Planning Authority

Bridget Loughlin, Heritage Officer
Liam McGree, Senior Planner

Apologies from Water Services Department in Kildare County Council.

Introduction

The representatives of An Bord Pleanála (ABP) greeted the prospective applicant and planning authority (PA). The procedural matters were stated:

- A written record of the meeting will be taken
- Digital recording of the meeting is prohibited
- The written record will be placed on the pre-application consultation file and will be made public, along with that file, should an application arise following the conclusion of this consultation process
- The consultation meeting will not involve a merits-based assessment of the proposed development
- The meeting will focus on key site-specific issues at strategic overview level, and whether the documents submitted may require further consideration and/or amendment in order to constitute a reasonable basis for an application
- Key considerations will be examined in the context of the statutory development plan for the area and section 28 Ministerial Guidelines, where relevant
- A reminder that neither the holding of a consultation or the forming of an opinion shall prejudice ABP or the PA concerned in relation to any other of their respective functions under the Planning Acts or any other enactments and cannot be relied upon in the formal planning process or in legal proceedings
- The Inspector dealing with the pre-application consultation request will not deal with the application when it is submitted

The ABP representatives acknowledged the letter dated 28th August, 2018 formally requesting pre-application consultations with ABP.

ABP received a submission from the PA on 11th September, 2018 providing the records of consultations held pursuant to section 247 and its written opinion of considerations related to proper planning and sustainable development that may have a bearing on ABP's opinion.

AGENDA

- 1. Development Strategy for the site including density, layout and unit mix.**
- 2. Archaeology**
- 3. Drainage – Foul & Surface Water**
- 4. Compliance with European Union (Planning and Development (Environmental Impact Assessment) Regulations 2018**
- 5. Any other matters**

1. Development Strategy for the site including density, layout and unit mix.

ABP sought further elaboration/discussion on:

- Need to address previous reason for refusal in relation to density and housing mix
- Rationale and further detail including drawings on how density figure is calculated
- Proposed housing mix questioned particularly the number of 3 and 4 bed houses and lack of 2 bed units

Prospective Applicant's response:

- Calculated areas excluded archaeological buffer and area beneath ESB powerlines
- Proposed development is edge of village/town, no development proposed beyond this site
- Passive surveillance (with parking between units) facilitating views to Kill Hill proposed
- Bin storage to rear of properties, terrace houses have route through to provide storage to rear
- Previous decision interpreted as relating to the variety of 3 & 4 bed house types
- CSO figures show family type units more suitable for population within the settlement than 1 and 2 bed units

Planning Authority comments:

- Welcome drawing showing net density, proposal is an increase in density compared to what has been built historically
- Photomontages and digital modelling to be included in application
- PA would welcome smaller unit types being available to private market
- Optional house type – difficulty later through compliance, clarity as to what house types will be proposed

ABP comments:

- ABP does not share the applicant's interpretation of the Board's refusal reason relating to mix of dwellings, it is considered that there was a difficulty with the number of smaller units previously being proposed
- Note that proposed development is similar to that previously submitted, archaeological buffer zone now excluded from density calculation
- Have regard to Residential Density Guidelines which sets out how to calculate density, density justification as submitted may not be sufficient
- Photomontages would be useful with application
- It is noted that smaller units appear to form part of Part V proposals, ABP queried if smaller units will be provided for the private market

2. Archaeology

ABP sought further elaboration/discussion on:

- Reclassification of Kill Hill since last SHD application, submission received from National Monuments Service which includes list of conditions to be attached if permission is to be granted

Prospective Applicant's response:

- There will be no interference with Kill Hill, satisfied with proposed new buffer zone, proposed conditions included in DAU submission can be complied with
- Areas will be isolated for archaeological excavation and handed over for development as works are completed
- Surface landscaping will take place with no impact on any archaeological remains
- Potential for Heritage Trail through Kill noted, that part of the Heritage Trail within the application site will be delivered as part of the SHD application

Planning Authority comments:

- Request that buffer zone be fenced off appropriately during construction
- Welcome further discussions with applicant in order to complete heritage trail

ABP comments:

- Acceptability of landscaping from DAU perspective
- Need to outline clearly what parts of heritage trail will form part of proposed development and how remainder will be delivered

3. Drainage – Foul & Surface Water

ABP sought further elaboration/discussion on:

- Note the CPO currently with the Board for the Contract 2B works with a decision due in January 2019
- Applicant should satisfy themselves that any application is not premature pending a decision on the CPO
- Detailed report submitted on surface water from Planning Authority which should be addressed

Prospective Applicant's response:

- Letter submitted from Irish Water on previous application which states that they would be satisfied for small number of units to be built prior to completion of works
- Will engage in further discussions with Water Services Department to address issues raised in report in advance of lodging application

Planning Authority comments:

- Detailed report submitted and would request clarity provided on status of drains in adjoining estate

ABP comments:

- Note that applications received prior to determination of all processes associated with the Upper Liffey Valley Drainage Scheme including CPO may be deemed premature
- Include robust justification if issues cannot be addressed in application

4. Compliance with European Union (Planning and Development (Environmental Impact Assessment) Regulations 2018

Prospective Applicant's response:

- PA Opinion refers to prospective applicant submitting an EIAR with application however it should refer to Ecological Report

ABP comments:

- Applicants attention drawn to the new EIA Regulations 2018 and inform themselves of any implications arising

5. Any other Matters

ABP comments:

- Address reasons for refusal and all technical issues
- Ensure there is no conflicts between technical drawings submitted with application
- Further discussions to be held with Transportation Department as no details were included in report

Prospective Applicant's response:

- Transport Report submitted with previous application, some elements may not be DMURS compliant

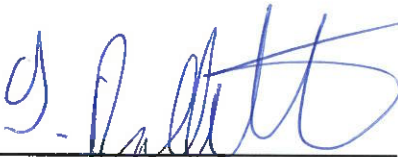
Planning Authority comments:

- The programme associated with the proposed Draft RSES was outlined

6. Conclusion

The representatives of ABP emphasised the following:

- There should be no delay in making the planning application once the public notice has been published
- Sample notices, application form and procedures are available on the ABP website
- A stand-alone website is required for the planning application. The labelling of documents should be carefully checked
- There is no provision for ABP to seek further information from applicants
- A list of prescribed bodies will be provided with the ABP Opinion
- Irish Water would like prospective applicants to contact Irish Water at cdsdesignqa@water.ie **between the Pre-Application Consultation and Application stages**, to confirm details of their proposed development and their proposed design
- The email address to which applicants should send their **applications** to Irish Water as a prescribed body is spatialplanning@water.ie



Tom Rabbette
Assistant Director of Planning

11th October, 2018

