



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion
300556-17**



Strategic Housing Development

Location	Ballymany, Newbridge, Co. Kildare
Planning Authority	Kildare County Council
Prospective Applicant	Glanmire Developments Ltd
Date of Consultation Meeting	07 th February 2018
Date of Site Inspection	25 th January 2018
Inspector	L. Dockery

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

2.1 The subject site, which is somewhat irregular in shape and has a stated area of just less than 6 hectares, is located to the south-west of Newbridge town centre, approximately 90-150 metres north of the M7 motorway. The site is currently under grass, in agricultural use. The Ballymany Manor and Rathcurragh housing developments are located to the east of the site, as is a petrol filling station. Two 38kv overhead power lines traverse the site.

2.2 The site is quite level but does rise marginally from south-west to north-east. There are a number of agricultural sheds and a derelict house on site. Native hedgerow planting forms the boundary with the R445. The site is located approximately 800 metres from the Curragh, proposed Natural Heritage Area.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of an existing derelict house and sheds and a new residential development comprising 151 dwellings and all ancillary engineering services including 265 linear metres of a link road connecting onto the R445 at Ballymany, Newbridge.

3.2 The breakdown of the 210 units are as follows:

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	3	23	75	50	-	151
Total	3	23	75	50	-	151

3.3 A mix of terraced, semi-detached and detached dwellings are proposed. Two-storey maisonettes are proposed fronting onto the R445. No crèche facility is proposed.

3.4 Gross density of 25 units/hectare and net density of 30 units/hectare proposed.

3.5 The proposed link road is located along the western boundary of the site.

4.0 **National and Local Planning Policy**

4.1 National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Design Manual for Urban Roads and Street'
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Childcare Facilities – Guidelines for Planning Authorities'

4.2 Local

The Kildare County Development Plan 2017-2023 is the operative County Development Plan.

Newbridge designated as a Large Growth Town II

'Outer Suburban/Greenfield' sites have stated general density parameters of 30-50 units/hectare.

The Newbridge Local Area Plan 2013-2019 applies.

Zoning: Objective C1- New Residential

SRO 5: To seek the construction of the following transport links, subject to environmental and conservation considerations, as identified on Maps 2 and 7 and to preserve these routes free from development:

b) A link from the L7042 Green Road (C) to the L7037 Standhouse Road (E), including a new junction with the R445 Ballymany Road (D).

Two Recorded Monuments are located within 200 metres of the site- a mound to the west (Ref KD023-019) and a Church to the south-east (Ref. KD023-020).

The site is located approximately 800 metres from the Curragh pNHA.

5.0 Planning History

There are a number of applications relating to the site and its environs. However, the most recent and relevant application is as follows:

05/271	Permission GRANTED for demolition of existing house and sheds and construction of 77 residential units, crèche, pumping station and associated site works
10/112	Extension of duration of permission GRANTED for 05/271
12/562	Permission GRANTED for modifications to 10/112 and 05/271 to provide 102 dwellings, revisions to approved crèche, car parking layout and relocation of site entrance (increase of 25 no units from that previously approved)
16/658 (249038)	Appeal on site opposite for mixed use development comprising 222 no. residential units, crèche and 120 bed nursing home. Awaiting decision

6.0 Section 247 Consultation(s) with Planning Authority

6.1 The planning authority states that two pre-application consultations took place with them on 10/10/2017 and 14/11/2017.

7.0 Forming of Opinion

7.0.1 Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements below.

7.1 Documentation Submitted

7.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and

Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form, scaled drawings (plans, sections and elevations), a completed pre-connection enquiry feedback form from Irish Water, Part V proposals, Transportation Assessment and Road Safety Audit, Archaeological Assessment Report, Arboricultural Assessment Report, Inward Noise Impact Assessment, Potential Significant Effects on the Environment/European Sites report, Social Infrastructure Audit, Ecology and Impacts on Natura 2000 sites, Natura Impact Assessment and Statement of Consistency.

- 7.1.2. In addition, section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.
- 7.1.3. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

7.2 Planning Authority Submission

- 7.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted the minutes of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on January 24th 2018.

The planning authority's 'opinion' included the following matters: internal reports, planning history; site and surrounding area, heritage and landscape, policy context, principle of proposal, density, plot ratio, residential mix, Part V, space standards, qualitative assessment in context of 12 criteria of Urban Design Manual, Water Services and drainage, wastewater and water supply, surface water, flood risk assessment, transportation and heritage. The report concludes that having regard to the zoning of the subject site and the pattern of development in the vicinity, it is the considered opinion of the planning authority that the proposal would be generally acceptable, subject to appropriate planning considerations and conditions addressing the concerns of the various Departments of Kildare County Council.

7.2.2 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

7.3 Consultation Meeting

7.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 7th day of February 2018, commencing at 14.00pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

7.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

- Infrastructural constraints- roads and drainage
- Development strategy to include layout, density, housing mix, connectivity, Part V proposals, open space provision
- Any other matters

7.3.3 In relation to the infrastructural constraints, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Provision of proposed link road as per Objective SRO 5 of Newbridge LAP 2013
- Foul sewer drainage constraints

7.3.4 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual
- Density proposed in the context of the Sustainable Residential Development Guidelines
- Mix of units proposed particularly in respect of prevalence of three and four bed, semi-detached properties proposed in the documents
- Connectivity achievable within the site and in the surrounding area in particular to adjoining residential development, Newbridge town centre, nearby shops and services and train station

- Open space provision and landscaping/boundary treatments
- Further details required in relation to Part V in terms of, inter alia, location of proposed units, mix and type of units proposed

7.3.5 In relation to other matters, An Bord Pleanála representatives sought further elaboration/discussion/consideration of the following:

- Childcare provision- rationale why it isn't included; boundary treatments; location of Recorded Monuments; mitigation measures for noise; screening report for appropriate assessment and note that mitigation measures cannot be proposed at screening stage

7.4 Conclusion

7.4.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.4.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage, details of which are set out in the Recommended Opinion below.

7.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.0 Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Infrastructure

- (a) Further consideration of the documents as they relate to the proposed development in light of the identified Road Objective SRO 5 in the Newbridge Local Area Plan 2013 with regards to the provision, or otherwise, of a link road along the extent of the proposed site boundary. In this regard, the delivery of this infrastructural upgrade relative to the delivery of the proposed dwelling units on site should be addressed in detail. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

- (b) Further consideration/clarification of the documents as they relate to the wastewater infrastructure constraints in the network serving the proposed development. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the

timelines involved in addressing these constraints relative to the construction and completion of the proposed development.

2. Density

Further consideration/justification of the documents as they relate to the density proposed in the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such Outer Suburban/Greenfield sites. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

3. Design, Layout and Unit Mix

Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. In addition to density which is addressed above, the matters of unit mix and design, the configuration of the layout, elevational treatments and finishes should all be given further consideration. Further consideration of the documents as they relate to the development of a gateway building fronting onto the R445 having regard to the prominent location of this element of the proposal. The treatment and usability of the public realm surrounding the proposed building fronting onto the R445 and its interface with the adjoining areas of parking may also require consideration and/or justification in the documentation submitted at application stage. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. A detailed phasing plan for the delivery of the proposed development
2. A site layout plan showing which areas are to be taken in charge by the planning authority
3. A site layout plan indicating pedestrian and cycle connections with the adjoining residential development and also to transport modes (train stations/bus stops) in the vicinity.
4. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and retention of existing trees or hedgerow, where applicable
5. Site Specific Construction and Environment Management Plan (CEMP)
6. Colour coded layout plan identifying different unit types proposed
7. Photomontages showing the proposed development from various vantage points in the vicinity
8. A site layout plan clearly outlining location of Recorded Monuments in the vicinity of the site
9. Details relating to bat surveys undertaken
10. Further consideration of the submitted noise impact assessment, which further addresses the potential noise impact from the M7 motorway and clearly outlines noise mitigation measures, if considered necessary.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Minister for Culture, Heritage, and the Gaeltacht
5. An Taisce-the National Trust for Ireland
6. Heritage Council
7. Failte Ireland
8. An Comhairle Ealaíonn

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Lorraine Dockery
Senior Planning Inspector

22nd February 2018