



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-300968-18.**

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<b>Strategic Housing Development</b>	251 no. residential units (176 no. houses, 75 no. apartments/duplex units), a crèche and all associated site works.
<b>Location</b>	Shackleton Road, Oldtown, Celbridge, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council.
<b>Prospective Applicant</b>	O'Flynn Construction.
<b>Date of Consultation Meeting</b>	29 March 2018.
<b>Date of Site Inspection</b>	21 March 2018.
<b>Inspector</b>	Stephen Rhys Thomas.

## 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, 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

- 2.1.1. The site is located on the western side of Celbridge in north County Kildare, at the edge of the built up area of the town. The site fronts onto the R403 road to Clane and also the Oldtown Road, a minor country road. A neighbourhood shopping centre is located approximately a kilometre to the east of the site and Celbridge town centre lies approximately 1.4 kilometres to the south east.
- 2.1.2. The overall site comprises large rectangular agricultural fields divided by drainage ditches and hedgerows. The site is broadly flat with very slight changes in level.
- 2.1.3. The lands to the west and south west of the site are all agricultural fields. To the north east and south east are the western fringes of Celbridge that comprise; two storey residential development. A primary school is located to the east of the site across the R403, a nursing home is located to the north, across the Oldtown Road. Suburban rail services are available at Hazelhatch railway station, located approximately 3.6 kilometres to the south east of the site. A low frequency Dublin Bus service passes the southern boundary of the site along Shackleton Road.

## 3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development of 251 dwelling units comprises:  
176 houses comprising:
  - 38 four bed houses (between 134.5 and 144 sqm)

- 116 three bed houses (between 111.7 and 115.1 sqm)
- 22 two bed houses (between 111.7 and 115.1 sqm)

75 Apartments comprising:

- 4 three bed (105.8 sqm)
- 63 two bed (between 80.1 and 102.6 sqm)
- 8 one bed (between 50 and 55 sqm)

Other development includes:

- Childcare facility, 295 sq.m.

The site will be accessed from two vehicular entrance points from the Oldtown Road and Shackleton Road. The proposal (251 units) will result in a gross residential density of 27 units per Hectare (net density 35.2 units per Hectare, net developable lands 7.131 Hectare), on a site of 9.178 Hectares. The public open space is 1.794 Hectares (19.4%).

## 4.0 Planning History

Subject site:

None.

## 5.0 National and Local Planning Policy

### 5.1 Section 28 Ministerial Guidelines

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 S.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 Streets'
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities - 2018

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

## 5.2 Statutory Plan for the area

The operative plan for the area is the **Celbridge Local Area Plan 2017-2023**. The site is subject to zoning objective C - New Residential - To provide for new residential development.

The LAP states compliance with the Core Strategy of the County Development Plan as follows:

The Core Strategy of the CDP 2017-2023 allocates 10% of Kildare’s housing growth to Celbridge over the period 2017-2023, out of a total housing allocation of 32,497 units for the County. Table 3.3 of the CDP identifies a housing unit target of 10,333 units for Celbridge to the year 2023, through the addition of 3,250 housing units over the Plan period. This represents an overall target population for the town of 22,801 persons.

This LAP identifies 121.2 hectares of land with a residential or mixed use zoning (excluding proposed arterial roads). The housing capacity of zoned lands, including new residential zonings, mixed use zonings and of infill sites within the built up area is estimated to be 3,519 (approx.) residential units.

The Plan supports the achievement of the Core Strategy growth allocation of 3,250 units and incorporates a level of flexibility to meet demand over a 9 year horizon.

The LAP outlines a number of chapters that are relevant to new residential areas and include: Chapter 6 Housing and Community, Chapter Movement and Transport, Chapter 9 Infrastructure, Chapter 11 Green Infrastructure and Strategic Open Spaces, Chapter 12 Urban Design and Key Development Areas.

The LAP also includes objectives in relation to the phasing of residential development and associated infrastructure.

### **Oldtown Key Development Area (KDA3)**

The Oldtown KDA is located to the west of the town and is bound by the R403/Shackleton Road to the east, the Oldtown Road to the north and agricultural lands to the south and west. This KDA is approximately 15.7 hectares (including a 2ha site identified for Community and Educational Use) and is currently in agricultural use. An overhead power line traverses the southern portion of the KDA. Roads and footpath improvements indicated along the Oldtown Road and shown on map 8.1.

Flood zones A and B to south west of the site, map 9.1.

School site shown to the north west of the site.

In addition, a design concept has been drawn up and illustrated by figure 12.2, key building frontages, open space and link streets are indicated.

**Kildare County Development Plan 2017-2023**, is the operative development plan. Celbridge is a Moderate Sustainable Growth Town. The Development Plan includes chapters on relevant topics including housing, urban design, infrastructure, movement/transport, landscape and development management standards.

## 6.0 Forming of the Opinion

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 a brief detail on each of these elements hereunder.

### 6.1 Documentation Submitted

The prospective applicant is required to submit certain information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Regulation No. 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included: OS location map, complete application form, site layout plans, design statement, AA briefing report, EIA screening report, archaeological impact assessment, architectural design statement, planning

report/cover letter, outline engineering drawings and services report, transport assessment, statement of consistency with planning policy report, part V proposals and a completed pre-connection enquiry feedback form from Irish Water.

I have reviewed and considered all of the above mentioned documents and drawings.

## 6.2 Planning Authority Submission

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 copies of their section 247 consultation records with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 20 March 2018.

The planning authority's 'opinion' included, *inter alia*, the following: a description of the site and surrounding area; an assessment of the proposed development in the context of County Development Plan and the Celbridge Local Area Plan 2017-2023; details of the prospective development including density and plot ratio, compliance with CDP housing mix policy; the existing landscape features on the site; Part V compliance, traffic, transport and parking; open space provision; analysis in the context of the 12 criteria contained in the Urban Design Manual of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; environmental report and AA screening; drainage. The planning authority concluded that the principle of the development is consistent with the strategic planning policies of the County Development Plan and the strategic objectives of the statutory development plan for the area.

The planning authority's opinion concluded with a list of matters that require further consideration and amendment. These related to: overall layout, public open space provision, detailed design regarding road/footpath and cycle network, car parking, building layout and configuration, creche design and layout. In addition, the planning authority highlighted technical issues contained in the Water Services Section report that require attention.

The planning authority's submission also included internal reports from the Area Engineer, Heritage Officer, Parks Department, Roads Transportation and Public

Safety Department, Environment Section, Environmental Health Department, Architectural Conservation Officer, Fire Officer, Housing Department and Water Services Department.

There were two formal pre-application consultation meetings held between the prospective applicant and the planning authority pursuant to s.247 of the Planning & Development Act 2000 (as amended). These were held on the 1 November 2017 and 3 January 2018. The planning authority have submitted the reports of the consultation meetings. Issues raised at that meetings included, inter alia, the following: Celbridge LAP, open space requirements, overhead powerlines, accordance with density guidelines and DMURS, cyclist/pedestrian permeability, future distributor road, junction upgrades, surface water and foul drainage capacity issues, EIAR and AA screening should be carried out, urban design, detailed discussion around building and creche layouts, flooding and stream ownership, traffic impact assessment is required.

All of the documentation submitted by the planning authority has been reviewed and considered by the undersigned as part of the opinion forming.

### 6.3 Consultation Meeting

A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 29 March 2018, commencing at 2.30pm. 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.

The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance. However, a new agenda item in relation to Wastewater Issues was raised prior to the start of the meeting and agreed amongst all parties as the first item for discussion. The pre-circulated agenda contained the following issues:

1. Design Manual for Urban Roads and Streets.
  - a. Accessibility from Shackleton and Oldtown Road.
  - b. Establish the status/role of Shackleton Road (R403).
  - c. Define active and animated street frontages in the context of existing roads.

- d. Explore relationship between building height, set back and function of Shackleton Road.
2. Celbridge LAP – Key Development Area 3- Oldtown.
  - a. Layout and Design Concept.
  - b. Connectivity and Movement.
  - c. Built form – school site.
  - d. Landmark buildings and apartment/duplex location.
3. Flood Risk Assessment and Surface Water Management.
4. Landscape Design.
  - a. Existing site features.
  - b. SuDS detailed design.
  - c. Useable public open space and powerlines.
5. Detailed design – elevations, bin stores and boundary treatments.
6. Any other matters.

In relation to the Wastewater Issues, ABP representatives sought further elaboration/discussion on the following: clarity on the wastewater network capacity in the area and the means by which such issues could be overcome.

In relation to the Design Manual for Urban Roads and Streets, ABP representatives sought further elaboration/discussion on the following: the role and function of Shackleton Road in light of the extensive redevelopment of the adjacent lands, the way in which new development should integrate with existing roads, greater clarity in relation to street elevation and cross sections to illustrate building and road relationships.

In relation to the Celbridge LAP – Key Development Area 3- Oldtown, ABP representatives sought further elaboration/discussion on the following: greater articulation of the design strategy in the context of the LAP strategy, the location and design of landmark buildings, integration and connection with the future school site and the manner in which open space is provided.



In relation to Flood Risk Assessment and Surface Water Management issues, ABP representatives sought further elaboration/discussion on the following: watercourses that flow through the site and how they will be management or integrated into to the development. The preparation of a Flood Risk Assessment in light of Flood Zones A and B in the vicinity.

In relation to Landscape Design issues, ABP representatives sought further elaboration/discussion the provision of play space close to high voltage powerlines, the use and integration of existing landscape features such as hedgerows and water features. Greater clarity in relation to SuDS features, cross sections of detention ponds and reliance on infiltration rates in connection with surface water management.

In relation to detailed design, ABP representatives sought further elaboration/discussion on the following: building elevations in the context of existing development, detailed design features such as bin stores and service boxes/facilities. Boundary treatments were queried with respect to the interface with the public road.

Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-300968-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 **Conclusion and Recommendation**

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.

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I

have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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 in respect of the following elements: wastewater services, road layout, surface water management and flood risk assessment; public open space; details of which are set out in the Recommended Opinion below.

Having regard to 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.

I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## **8.0 Recommended Opinion**

An Bord Pleanála 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. Wastewater Services

Further consideration of documents as they relate to foul sewer network constraints downstream of the development as indicated in the Water Services report dated 08 March 2018 and contained in Appendix B of the Planning Authority's Opinion. An outline of the necessary works to address the constraints and what parties will be responsible for the works. In addition, there should be clarity as to whether such works would be the subject of a separate consent process and or compulsory purchase process. Timelines for the delivery of any works is required relative to the delivery of the proposed development. Given the existing deficiencies in the provision of adequate sewerage infrastructure, the applicant should satisfy themselves that the proposed development would not be premature pending the delivery of required infrastructural improvements. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### 2. Road Layout

Further consideration of documents as they relate to the layout and configuration of the proposed development as it abuts Shackleton and Oldtown Road, including amendments to the public road and new site entrances, with specific reference to Chapter 4 Street Design of the Design Manual for Urban Roads and Streets. Shackleton and Oldtown Road lack a number of pedestrian facilities such as footpaths and crossing points. The interface between the proposed development and its interaction with the function and role of Shackleton Road should be given particular focus in terms of pedestrian and cyclists facilities. In addition, further design refinement of how the proposed development will present an appropriate urban edge to existing public roads should be given careful consideration. Further

consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### 3. Surface Water Management and Flood Risk Assessment

Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 08 March 2018 and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with a Flood Risk Assessment specifically relating to appropriate flood risk assessment that demonstrates the development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk. A Flood Risk Assessment should be prepared in accordance with 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

### 4. Public Open Space

Further consideration should be given in relation to the design rationale/justification outlined in the documents as it relates to the open space proposed particularly in the context of the maximisation of use of existing vegetation in the proposed layout; i.e. hedgerows and mature trees. The location of the main play space close to high voltage powerlines should be given careful consideration. Passive supervision opportunities from residential development of pedestrian connections to the wider road network should be carefully considered. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Full and complete drawings, including levels and cross sections showing the connections and interface between the proposed development and the Shackleton Road and Oldtown Road.

2. A detailed landscaping plan which clearly shows the proposed treatment of boundaries and retention of existing trees or hedgerow, where applicable.
3. The preparation of a suitably detailed tree survey and Arboricultural report.
4. A parking layout that reflects the most appropriate quantum of car parking provision for a suburban site and includes the details of convenient locations and facilities for bicycle parking.
5. A Construction and Demolition Waste Management Plan should be provided.
6. A phasing plan for the proposed development should be provided.
7. A site layout plan clearly indicating what areas are to be taken in charge by the Local Authority. Streets should be shown up to the boundaries of the site and facilitate future access.
8. Details of undergrounding or re-routing of any overhead ESB power lines.

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. National Transport Authority (in relation to transport)
2. Inland Fisheries Ireland
3. Irish Water

**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.

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Stephen Rhys Thomas  
Planning Inspector

17 April 2018