



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-302484-18

Strategic Housing Development	111 no. residential units (103 no. houses, 8 no. apartments) and all associated site works.
Location	Newtown, Kill, Co. Kildare.
Planning Authority	Kildare County Council
Prospective Applicant	Resource Five Ltd.
Date of Consultation Meeting	11 th October 2018
Date of Site Inspection	26 th September 2018
Inspector	Sarah Moran

1.0 Introduction

- 1.1. 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 (as amended by the European Union (Planning and Development) (Environmental Impact Assessment Regulations 2018) - (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 site is located at the southern end of Kill. There is a substantial amount of established residential development in the vicinity including the Newtown Manor estate to the immediate west, the Embassy Manor estate to the north and the Stables residential estate to the south. The Kill GAA grounds are to the immediate north of the site and the Kill Equestrian Centre is also nearby to the south. The site is accessed via an unfinished distributor road, which also serves The Stables and the Kill Equestrian Centre. The site has a stated area of 4 ha and is currently undeveloped lands laid out as two separate fields. It was previously used as a sand and gravel quarry, details of same are included in the environmental report on file. The site does not contain any recorded monuments and no potential archaeological features are recorded in historical maps or aerial photographs of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development is the construction of 111 dwellings, as follows:

UNIT TYPE	NO. OF UNITS	%
HOUSES		
2 bed	27	24.3%
3 bed	53	47.7%
4 bed	23	20.8%
APARTMENTS		
1 bed	4	3.6%
3 bed	4	3.6%
TOTAL	111	100

The development has a stated net density of 34.7 units/ha.

3.2. The development also includes:

- Approx. 6,433 sq.m. public open space.
- Extension of existing access road and to provide pedestrian and vehicular access. Applicant cannot deliver adjoining LAP roads objective as lands are in 3rd party ownership.
- 2 no. ESB substations
- Connection to the public water main within the access road to the south east of the development site.
- Attenuated surface water discharge to a ditch to the south west of the site.
- Development to be phased to provide development in tandem with foul drainage infrastructure. Phase 1 at the eastern side of the site is 53 houses and Phase 2 at the western side of the site is 58 houses and apartments. A total of 20 houses and some show houses are to be constructed in 2019 and 20 more houses in 2020 (Phase 1). Following confirmation of an exact timeframe for the completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme, scheduled for 2021, construction would commence on Phase 2, the remaining units, to be connected

when the upgraded infrastructure works are commissioned by Irish Water. In the interim, foul effluent will be pumped via rising main to the existing foul sewer in Kill, c. 815m away, at night when there is more capacity in the existing system. Mitigation measures are proposed to address odours and septicity.

- Part V proposals comprising transfer of 11 no. units to the planning authority (8 no. apartments and 3 no. 3 bed houses).

4.0 Planning History

4.1. Subject Site Reg. Ref. 03/2695 and 15/119

- 4.1.1. Permission granted for 68 no. houses; outfall foul sewer to existing pumping station and outfall surface water to existing sewer; 340m of proposed distributor/access road from existing public road (L6032/0) to the east and all associated on site and off site development works on lands of c.4.6 ha to the north of the Kill International Equestrian Centre. Under 15/119, Kildare County Council granted an extension in the duration of the permission until 24th April 2017.

4.2. ABP-300558-18 Kill Hill

- 4.2.1. Relating to a site at Kill Hill to the north of the development site, within the Kill Small Town Plan area. Permission recently refused by the Board for the development of 130 no. dwelling houses, vehicular and pedestrian connections and all associated and ancillary site development works. The reasons for refusal were as follows:
1. Having regard to the existing deficiency in the provision of adequate sewerage infrastructure serving the subject site, it is considered that the proposed development would be premature pending the carrying out and completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
 2. Having regard to the proposed density of development, at a net density of 26 number units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in land usage given the proximity of the site to the built-up area of Kill village and in close proximity to educational facilities and to the established social

and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act, which indicate that net densities less than 30 number dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

3. It is considered that, having regard to the correspondence and the accompanying map dated 1st day of February 2018, received by An Bord Pleanála from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, regarding the re-classification of Recorded Monument KD020-001-003 from enclosure / ring-barrow / tumulus to hillfort and the resultant expanded buffer that corresponds with the area of archaeological potential around the hillfort and the archaeological complex to the south comprising sites and monument numbers KD019-010, KD019-056, KD019-057 and KD019-008004 protected by Preservation Order number 3 of 2007 published by the National Monuments Service, the proposed development would be likely to injure or interfere with a historic monument which stands registered in the Register of Historic Monuments under Section 5 of the National Monuments Acts, or which is situated in an archaeological area so registered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board also stated that in deciding not to accept the Inspector's recommendation to grant permission for part of the proposed development and to refuse permission for the remainder, the Board considered that to permit houses numbers 1 to 32 (as recommended by the Inspector) would not allow for a comprehensive re-design of the overall lands that would be available for development following from the archaeological constraints outlined in the submission by the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, which

comprehensive re-design the Board considers is necessary having regard to the need to provide for an increased residential density (in accordance with national policy), particularly in that part of the site not immediately adjacent to the existing Earl's Court housing development, and the need to provide for pedestrian and cycle, but not vehicular, access from the lands through the adjoining Earl's Court Housing Scheme, in the interests of pedestrian and traffic safety.

5.0 National and Local Planning Policy

5.1. National Policy

5.1.1. Project Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities 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.

5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') (2009)
- 'Design Standards for New Apartments – Guidelines for Planning Authorities', as updated March 2018.

- Draft 'Urban Development and Building Heights – Guidelines for Planning Authorities', 2018.
- 'Design Manual for Urban Roads and Streets' (2013)
- 'Childcare Facilities – Guidelines for Planning Authorities' (2001)

5.3. Kildare County Development Plan 2017-2023

5.3.1. The Kildare County Development Plan 2017-2023 is the operative plan for the area.

- The site is within the area of the Kill Small Town Plan which is included within the Development Plan. The site is zoned 'Objective C, New Residential' under the provisions of this plan.
- Paragraph 1.5.7 of the Kill Small Town Plan sets out the principles governing the future development of the town. These include consolidating development within the town centre followed by the sequential development of land / sites in a logical progression from the town centre to the edge of the development boundary.
- Paragraph 1.5.8.1 notes that the settlement strategy for County Kildare allocates a housing target for Kill of 422 units between 2011 and 2023. Residential development is identified as being accommodated on 4 sites, one of which is the subject site. It is considered that having regard to the recommended 50% over zoning and to the extant permissions for residential development that the level of zoned lands is consistent with the Core Strategy.
- Paragraph 1.5.8.4 includes roads objective K14 as follows:
 - Proposed Kill- Johnstown road (A) to the Hartwell Rd (B) (This road is intended as the primary relief road to take industrial and commercial traffic from the Hartwell Road to the N7).
 - Main St adjoining the site of the former Ambassador Hotel (C) to the proposed Kill-Johnstown Rd (A) (Map V2-1.5B refers)

The A to B route passes to the west and south of the development site and connects with the existing distributor road at the site access.

- Paragraph 1.5.8.5 relates to water and wastewater and notes that future development may be impacted by limitations on the existing sewerage system and specifically the connection to the Osberstown WWTP.

- Paragraph 1.5.8.8 relates to archaeology and notes the significant archaeological heritage in Kill. A zone of archaeological heritage has been identified and the subject site lies outside of this area.
- Chapter 17 of the plan sets out the relevant development management standards, there are guidelines in relation to housing, public open space and transport. Table 17.8 sets out building lines from public roads including a setback of 18.5m from distributor roads.

6.0 Prospective Applicant's Case

- 6.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 (as amended) and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017-2018. This information included, inter alia:

Completed Pre-Application Consultation Request Form; Planning Report and Statement of Consistency including details of Part V compliance; Environmental Report; Architectural Drawings; Architectural Statement of Consistency; Landscaping Plan; Arboricultural Report; Archaeological Impact Assessment; Engineering Services Report; Traffic Impact Assessment; Outline Construction Management Plan; Waste Management Plan; DMURS Statement; Water PCE Response Statement including Irish Water Confirmation of Feasibility; Appropriate Assessment Screening Report; Ecological Impact Assessment Report.

- 6.2. Section 5(5)(b) of the Act of 2016 (as amended) 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. The applicant's case is summarised in the document entitled Statement of Consistency as follows:

- The development will contribute towards the target allocation of 422 dwellings for Kill in the 2016-2023 period. The location of the development is consistent with development plan policies CS 4, SR1 and SRO 1.

- The development provides a gross residential density of 27.8 units/ha. The net area of the site is calculated as 3.22 ha, excluding a landscaped buffer strip along the future distributor road to the south and west of the site, resulting in a net density of 34.5 units/ha. It is submitted that this 'edge of centre' density is most suitable for the development site and responds to the Kill Hill refusal, ref. ABP-300558-18.
- The proposed housing mix is in accordance with development plan objective MDO1 and addresses the identified demand and demographic profile of the area.
- The layout seeks to achieve permeability and connectivity in accordance with development plan policies WC3, LR6 and LR7. Also 2 no. pedestrian links to adjoining lands to the east and west of the site.
- The western and southern edges of the development are landscaped to provide a buffer between the development and the future provision of a distributor road to the west and south of the site, in accordance with roads objective KL 14.
- Development includes the provision of high quality landscaping.
- Site coverage and plot ratio are consistent with development plan requirements.
- The scale of development has regard to existing surrounding residential schemes. The apartment / duplex blocks have been carefully located to minimise any impacts on adjoining residential development, will provide high quality residential development on the subject site and actively contribute to a sustainable mix of units for a range of household types and tenures in Kill.
- The site layout, architectural drawings and the Schedule of Accommodation and Housing Quality Assessment, demonstrate compliance development with the relevant quantitative standards required under the 2018 Apartment Guidelines.
- The 'Childcare Facilities Guidelines for Planning Authorities' provide a standard of one childcare facility providing for a minimum 20 childcare places per approximately 75 dwellings. The development provides 111 no. units, including 4 no. 1 bed units. Applying the above standard, the development will generate a requirement for approx. 29 no. childcare spaces. The submitted Social Infrastructure Assessment identifies 4 no. facilities currently operating in Kill and

1 facility operating in the nearby Johnstown, with another 3 facilities either unoccupied, under construction or yet to be commenced in Kill. Noting the proximity of Kill to Naas, which provides a range of employment, retail and community/social infrastructure to surrounding settlements, there are additional 34 no. facilities operating within the Naas area. It is submitted that the that the childcare demand arising from the development will be adequately accommodated by existing, unoccupied and future potential facilities in the surrounding area.

- A flood risk assessment is submitted. The subject site is identified as being located in flood zone 'C' and as such is not affected by fluvial, pluvial or tidal flooding. It is submitted that the proposed attenuation and drainage system will mitigate against the likelihood of contributing to downstream flooding.
- There are no structures / features of historic architectural significance located within the development site. Therefore, no direct impact on the architectural heritage will arise as a result of the development. The site does not contain any recorded monuments and no potential archaeological features where recorded in historical maps or aerial photographs of the site. No previous archaeological excavations have occurred and due to the site being used for quarrying in the past there are no indications of archaeological potential.
- The submitted AA Screening Report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network.
- The TIA demonstrates that:
 - The Stables Road and the other junctions assessed will be able to operate within effective capacity during AM and PM peak periods, with negligible queues and minor delays occurring on the majority of junctions during the assessment years.
 - The proposals comply fully with the local authority's development standards in terms of the quantum and size of car parking spaces being provided on-site.

- Clear sightlines of 49m in both directions are achieved at the junction of the site access road and the Stables Road.
- Swept path analyses indicate that the design of the development access and the internal layout can accommodate vehicular movements, including fire and refuse vehicles where required.
- The proposed residential development could potentially generate 61 and 74 two-way vehicle trips during the AM and PM peak hour periods respectively, which when compared to the existing traffic flow along Oldtown Road is found to be minimal.

The TIA concludes that the development can be supported by the surrounding road network, that the access junction at the Stables Road will operate within capacity, that an appropriate quantum of car parking spaces has been provided and that the internal road layout is fit for purpose and is in compliance with DMURS.

7.0 Planning Authority Submission

7.1. A submission was received by An Bord Pleanála on the 11th September 2018 from Kildare County Council. The 'opinion' of the planning authority included, inter alia, the following:

- The report outlines statutory requirements, competency, and consultations undertaken, describes the development and the site and outlines planning policy, national, regional and local.
- Kill is not listed as a growth town in the RPG's and is within the hinterland area.
- A Draft Regional RSES is expected in October 2018 and once adopted each PA will be obliged to review their plans and programmes and consider any variations to same to achieve objective of the RSES with PA noting that it is mindful that the Draft RSES will have likely implications for population and housing targets in the County.
- Relevant chapters of the County Plan and policies/objectives within same are outlined with Kill Small Town Plan addressed and the planning history is outlined.

- The applicant has indicated that an Environmental Report will accompany the application. Recommends that an AA screening report is included with the SHD application.
- Principle of scheme generally acceptable as lands are zoned and appears to accord with strategic planning policy in County Plan.
- Density. Kill is a small town in the County Development Plan with no train service, no 2nd level school and no employment centre. The site has an 'edge of small town' location. Such locations are considered appropriate for densities of < 15-20 units/ha, as long as such lower density development does not represent more than 20% of the total new planned housing stock of the small town or village. Such development also needs to ensure the definition of a strong urban edge that defines a clear distinction between urban and the open countryside. The proposed development represents a gross density of c. 28 units / ha. The settlement strategy allocates a housing target of 422 units for Kill up to 2023. 20% of the total new planned housing stock of 422 units is 84 units. The planning authority is mindful of recent Board decisions, most notably ABP-300558-18, where a net density of 26 units/ha was not considered to be a sufficiently high density. A maximum net density of 34.5 units/ ha might be acceptable should the Board wish to take a similar view, having regard to the transitional location of the site on the edge of the built up area and adjacent to lands deemed to be primarily agricultural/rural and subject to meeting all other relevant siting, design and technical considerations.
- Over half the residential units are 3 bed. Notes that all the proposed 1 bed units are Part V, leaving no option of 1 bed units to be acquired on an open market. Additional 1 bed units should be provided within the scheme.
- The site layout is constrained due to the L shaped configuration. No negative impacts on adjoining residential properties. Lack of connectivity to adjacent housing. Significant use of cul-de-sacs, reduced permeability / legibility and contrary to DMURS. Lack of privacy to some dwellings. No clear demarcation between units, particularly where there is awkward juxtaposition of units. Minority

of houses directly overlooking the quality public open space provision. Lack of passive supervision of public open space. Removal of hedgerows, associated loss of habitats. Use of 2m high boundary walls further reduces legibility. No desire lines through larger open spaces. No footpaths adjacent to some pockets of open space.

- Connectivity. Stand alone site, no definite connection to adjacent land uses. No provision for construction of the LAP roads objective. Distance from the entrance to the last house is > 450m, with a further 300m to the public road.
- Design. Concerns about height differential and visual impact of the 3 storey apartment block. No single storey dwellings. Scheme does not have any distinctive character.
- Visual impact. Requirement for a detailed visual impact assessment.
- Part V. Concerns r.e. failure to pepper pot Part V through the scheme. All of the 8 no. apartments are Part V and 3 no. 3 bed semi-detached houses. Distance of units from entrance / public road. Housing Unit not satisfied with provision of rear access lanes.
- Parks Dept. Notes that landscaping plans lack sufficient detail to determine the quality of the scheme.
- Archaeology. The prospective application should be referred to the DAU for comment. The applicant may be required to undertake geophysical testing of the site.
- Transportation. Requires permeability with the Embassy Manor development to the north. Public lighting details. Insufficient visitor parking, requires 10% of the total car parking requirement, i.e. 20 no. visitor spaces in total.
- KCC Water Services Foul Drainage. There is a significant amount of current and ongoing development in the Naas-Johnstown-Kill area which discharges to the Upper Liffey Valley catchment containing network constraints at Kill-Johnstown and Monread, Naas. A hydraulic assessment of the available network capacity may be required prior to commencing the development. The applicant has proposed a phasing arrangement to construct 20 houses a year in 2019 and

2020 in phase 1 prior to the completion of Irish Water Contract 2b, with the remaining units to connect to the network after the completion of 2B in 2021. The proposed foul drainage arrangements are noted. It is proposed that effluent will be stored in tanks and pumped at off-peak times when additional capacity is usually available in the sewer network and this pumping regime would remain in place until the completion of 2B in 2021. The off peak pumping regime would not be sustainable in the long term should Contract 2B be significantly delayed beyond 2021. Need for a robust maintenance agreement including emergency breakdown measures. The pumping station and rising watermain are located outside the red line site boundary, consent from third party landowners and appropriate wayleaves are required.

- KCC Water Services Surface Water Drainage. Attenuation storage volumes for the required 100 year storm event shall be calculated with a 20% climate change factor and not 10% as indicated. Ground survey to be completed prior to detailed drainage design.
- Heritage Officer. Details of biodiversity replacement due to loss of hedgerows.

7.2. Irish Water

7.2.1. The following points are noted:

- Irish Water has issued a Confirmation of Feasibility for the development.
- Upgrade works are required to accommodate the development. the Upper Liffey Valley Contract 2B project will provide the necessary upgrade and capacity.
- The CPO process has commenced, published 24th July 2018.
- Development consents are in place.
- Irish Water is currently reviewing the construction tenders.
- Construction is currently due to start in Q 2/3 2019 with completion due in 2021.

7.3. The Consultation Meeting

7.3.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 11th October 2018. 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 based on the Agenda that issued in advance and contained the following issues:

1. Development strategy for the site including density, layout and unit mix.
2. Drainage – Foul & Surface Water
3. Roads layout, traffic and transport issues
4. Social infrastructure
5. Any other matters

7.3.3. In relation to the development strategy for the site including density, layout and unit mix, ABP representatives sought further elaboration / discussion on:

- Rationale for the net density of the site and calculation of net density.
- Density in relation to national policy guidance.
- Compliance with DMURS. Lack of permeability, connections to adjoining lands
- Quantum of open space. Requirement for a hierarchy of open spaces, also spaces to serve specific purposes.
- Boundary treatment wall.
- High proportion of 3 bed units in the proposed housing mix.
- Inaccessible location of Part V units.
- Development to address adjoining lands zoned for public open space.

7.3.4. In relation to Drainage – Foul & Surface Water, ABP representatives sought further elaboration / discussion on:

- CPO process has commenced on the Upper Liffey Valley project.
- Issue of prematurity in advance of the outcome of the CPO process.

- Proposed phasing / interim arrangement in advance of Contract 2B.
- How to treat pumping off peak.

7.3.5. In relation to roads layout, traffic and transport issues, ABP representatives sought further elaboration / discussion on:

- Rationale for adjacent roundabout.
- Justification for the distributor road and when the road will be built.
- Permeability and connections to adjoining lands.
- Use of cul-de-sacs not compliant with DMURS, also 'parallel' roads alongside the distributor road.
- Housing layout could address the distributor road.
- Likelihood of the distributor road being constructed in the lifetime of the current plan.

7.3.6. In relation to social infrastructure, ABP representatives sought further elaboration / discussion on:

- Existing childcare provision in the area and for the proposed development.

7.3.7. In relation to any other matters, ABP representatives sought further elaboration / discussion on:

- Clarify how Part V proposals are integrated into the proposed development.
- Informed the prospective applicant regarding EIAR and procedures.

7.3.8. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-302484-18' 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.

8.0 Conclusion and Recommendation

- 8.1. 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 (as amended).
- 8.2. 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:

- Design and layout of residential development
- Infrastructural constraints

details of which are set out in the Recommended Opinion below.

- 8.3. 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 (as amended), 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 (as amended).
- 8.4. 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.

9.0 Recommended Opinion

- 9.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). 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.
- 9.2. 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.
- 9.3. 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:

Design and Layout of Residential Development

1. Further consideration/justification of the documents as they relate to the design and layout of residential development, in particular (i) further consideration and justification of the proposed setback from the adjoining roads objective with regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the accompanying Urban Design Manual; (ii) further consideration and justification of the internal roads layout to comply with the Design Manual for Urban Roads and Streets, in particular in relation to connectivity to adjoining areas and (ii) the proposed housing mix in relation to the high proportion of 3 bed houses proposed with regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the settlement strategy of the Kildare County Development Plan 2017-2023 and the Kill Small Town Plan. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

Infrastructural Constraints

2. Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development in particular as it relates to Contract 2B of the Upper Liffey Valley Sewerage Scheme. The documentation at application stage should clearly indicate the proposals to address the constraints, the compulsory purchase order process and completion of same and the timelines involved in addressing the constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).
- 9.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017-2018, 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 2017-2018, the following specific information should be submitted with any application for permission:
1. A plan of the areas excluded for the calculation of net density in addition to a plan of the open space within the site clearly delineating public and private spaces.
 2. A detailed phasing plan for the proposed development.
 3. Drainage details to include (i) details of the design, operation and maintenance of the proposed pumping station with regard to potential impacts on residential amenities due to noise and odours and (ii) assessment of the foul sewer outfall to demonstrate that it can cater for the proposed development.
 4. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.

5. Archaeological Impact Assessment.

6. AA screening report.

9.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017-2018, 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 (as amended):

1. Transport Infrastructure Ireland
2. Department of Culture, Heritage and the Gaeltacht
3. Heritage Council
4. An Taisce — the National Trust for Ireland
5. Irish Water
6. Kildare County Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended), 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.

Sarah Moran
Senior Planning Inspector
31st October 2018