



An  
Bord  
Pleanála

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

### Inspector's Report on Recommended Opinion ABP-302746-18

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<b>Strategic Housing Development</b>	332 residential units, creche and all associated works.
<b>Location</b>	Brayton Park, Kilcock, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Rycroft Homes
<b>Date of Consultation Meeting</b>	20 <sup>th</sup> November 2018
<b>Date of Site Inspection</b>	18 <sup>th</sup> November 2018
<b>Inspector</b>	Joanna Kelly

## 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

- 2.1 The development site has a stated site area in the application form of 11.497ha and are current greenfield lands to the west of Kilcock, a small growth town in the Kildare County Development Plan. The development lands are abutting Brayton Park an established residential area comprising predominantly of two storey dwellings. The M4 is located along part of the south-western boundary of the site. The Royal Canal and Dublin-Sligo railway are located along the northern boundary. The site itself is an irregular shape. The Kilcock Primary Health Care Centre is located on open space lands immediately south of the development lands. These lands have been recently re-seeded. There is a walking track around these open space lands. The noise from the M4 was particularly noticeable at time of inspection.
  
- 2.2. The development lands are currently fields with hedgerows defining the field patterns. The western boundary bounds the existing Brayton park development. Access to the site is proposed via an existing access road which currently serves Kilcock Primary Health Centre, a school and housing developments. This road links back to the R-125. There are views from parts of the site of the steeple of the former St. Patrick's Church located along the R-148 Enfield Road.

### 3.0 Description of proposed development

The applicant is proposing a residential development comprising of 332 residential units including a creche facility.

The unit mix as indicated by the prospective applicant is as follows:

**Table 1: Unit Mix**

	<b>Apartments</b>	<b>Residential units including duplexes</b>	<b>Total Units</b>
1 bed	13	10	23
2 bed	11	77	88
3 bed	8	161	169
4 bed	0	52	52
<b>Total Units</b>	<b>32</b>	<b>300</b>	<b>332</b>

### 4.0 Planning History

No recorded planning history on the development site.

**File Ref. No. 16/233** Permission refused for a 190 unit residential development on lands to the north-west of the site for reasons pertaining to inadequate water supply and capacity; prematurity pending completion of a masterplan for a municipal pumping station and associated foul sewer network; and impact on St. Patrick’s Church, a protected structure.

### 5.0 National and Local Planning Policy

#### 5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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 Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 5.2. Local Policy

### 5.2.1 Kildare County Development Plan 2017-2023

Kildare County Development Plan is the statutory plan for the lands in question. Chapter 2 refers to the Core Strategy and Chapter 6 refers to Movement and Transport.

### 5.2.2 Kilcock Local Area Plan 2015-2021

The development lands contain two zoning objectives ‘Objective C – New residential’ and ‘Objective F3 – Open Space’. The site is identified within Site Ref. 1 of the LAP where 23ha of land is identified for approximately 690 units within a maximum density of 30 units per hectare. There is a site-specific objective to facilitate the future construction of a number of road projects including ‘From the Bawnogues to the M4 interchange’ as indicated in Map 7 of the Transport Objectives Map.

Section 7.4.4 Expansion Areas is directly relevant to the site. Figure 28 provides an indicative layout for Bawnogues and Enfield Road Expansion Lands.

## 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 submission and the discussions which took place during the tripartite consultation meeting. I will provide a brief detail on each of these elements hereunder.

### 6.1 **Documentation Submitted**

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed SHD Application form and cover letter including inter alia, schedule of documents; Statement of Consistency including statement of consistency with DMURS; Environmental Screening report; Part V details; Housing Quality Assessment; Design Statement; Drawings; Traffic and Transportation documents including TIA; Flood Risk Assessment and Engineering Planning report.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

### 6.2 **Planning Authority Submission**

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a note 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 2018.

6.2.2 The planning authority's opinion included the following matters:

- **Minutes of Section 247 Consultations** – Minutes are provided within the report.
- **Internal Reports** – Reports are noted from the Transportation, Drainage, Parks Department, Housing
- **Planning history** – No record of planning applications on site.
- **Planning Policy** – Reference is made to CDP and Kilcock LAP policies
- **Principle of Development** – No objections to the principle of development.
- **Quantitative Assessment** – Density of 29 up/h is proposed or 37 net which is considered acceptable. With regard to plot ratio is considered acceptable and should not be further increased. The Statement of Housing Mix should demonstrate a need for accommodation proposed. Space standards – bin storage does not appear to meet minimum standards, on-street parking is not recommended.
- **Part V Provision** – Applicant indicates the provision of 33 no. units and a report has been received from Housing section stating that the current proposal does not represent 10% of the mix and house type proposed. A redesign of duplex units is also required to ensure 'own door' access.
- **Qualitative Assessment** – PA provide comments against the 12 criteria contained in the Urban Design Manual. Of note it is set out that delivery of entire road to the north-west is required by transportation section. A connection road to the south of no. 60 Brayton Park should be considered. Water Services requires SUDs to be incorporated. Reference is made to need to overlook open space and design of apartment to be improved.
- **Opinion** – Development would generally be acceptable in principle. There are some outstanding issues that require further information to allow a full assessment of the impact of the proposed development which pertain to issues outlined in the report.

## **6.4 Submission from Irish Water**

The confirmation of feasibility from IW to the applicant sets out that in order to accommodate the proposed connection to both drinking water and waste water, upgrade works are required to increase the capacity of the Irish Water network. There is a project on the current investment plan which will provide the necessary upgrade and capacity. These projects are at an early stage (concept design) and a programme is not available at this time. The target delivery date is at the end of 2021 subject to statutory approvals.

The submission to ABP set out that IW must carry out capital works to the waste water and drinking water networks. This project is on Irish Water's Capital Investment Plan and is scheduled to be complete by December 2021. Third party consents are required for the waste water pumping station.

## **7.0 Consultation Meeting**

7.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on 20<sup>th</sup> November 2018, commencing at 2.30 pm. Representatives of the prospective applicant, Kildare County Council and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

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

1. Development Strategy for site to include layout, density, unit mix and typology and consideration of design principles for the Neighbourhood Expansion Area in section 7.4.4.1 of the Kilcock Local Area Plan.
2. Public Realm and Urban Design Response
3. Movement and Transportation to include consideration of local objectives and comments from Transportation Department.
4. Surface Water Management and Flood Risk
5. Water and Wastewater
6. Part V provision
7. Any other matters

- 7.3 In relation to the Development Strategy for the site to include layout, density, unit mix and typology and consideration of design principles for the Neighbourhood Expansion Area in section 7.4.4.1 of the Kilcock Local Area Plan ABP representatives sought further discussion/elaboration on how the proposed strategy for the site is consistent with provisions of the LAP in particular the proposed layout, design response and street hierarchy.
- 7.4 In relation to Public Realm and Urban Design Response, ABP representatives sought further discussion/elaboration on the qualitative aspects of the public realm and the urban design response including consideration of the design principles and indicative layout in the LAP, location and distribution of public open space and the provision of passive surveillance.
- 7.5 In relation to Movement and Transportation to include consideration of local objectives and comments from Transportation Department, ABP representatives sought further discussion/elaboration on how the layout and streets are DMURS compliant, how the proposal will ensure the delivery of the roads objectives in the LAP, connectivity to adjoining lands in particular north across the railway line and Brayton Park.
- 7.6 In relation to Surface Water Management and Flood Risk, ABP representatives sought further elaboration/discussion on how the prospective applicant will address the concerns/issues raised in the planning authority's opinion and to demonstrate that the proposal will not result in additional discharge to the Rye Water which should also consider any AA implications.
- 7.7 In relation to Water and Wastewater, ABP representatives sought further elaboration/discussion on this issue having particular regard to the reason for refusal cited by ABP on the adjoining residential lands in relation to this issue, current issues regarding water and waste-water capacity and improvements proposed to address local network capacity issues.



- 7.8 In relation to Part V provision, ABP representatives sought further elaboration/discussion on this issue having particular regard to the comments of the planning authority requiring a greater mix of unit typology.
- 7.9 In relation to Any Other Matters, ABP representatives sought further elaboration/discussion on EIA requirement with regard to mandatory and sub-threshold screening, Appropriate Assessment, public lighting, management and taking in charge details.
- 7.9 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-302746-18' 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 and as amended by Section 50 of the Planning and Development (Amendment) Act 2018.
- 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 section 28 Ministerial Guidelines, and local policy via the statutory plans for the area.
- 8.3 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 as set out in the recommended Opinion below.

- 8.4 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.
- 8.5 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. 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.

1. Water and Waste-water capacity constraints

Further consideration of documents as they relate to the possible prematurity of development having regard to the existing local network capacity constraints and the constraints in the Lower Liffey Valley Catchment Area and the time-frames in which these may reasonably be expected to be addressed particularly where development consents may be required. This further consideration should have regard to the reason for refusal in respect of File Ref. No. PL.246663 for the adjoining lands and any change in circumstances since the issuing of this decision by An Bord Pleanála and also any proposals by the prospective applicant which may address these concerns. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Surface water management and Risk of Flooding

Further consideration of documents as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream to the Rye Water, a SAC. This further consideration should have regard to the requirements of the Local Authority in respect of surface water treatment and disposal and SUDS measures proposed for the scheme. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling where considered appropriate. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Development Strategy and urban design response

Further consideration and/or justification of the documents as they relate to the development strategy for the site in respect of the proposed layout, scale and density of the proposal particularly in the context of the provisions of section 7.4.4.1 of the Kilcock Local Area Plan for the Bawnogues Expansion Area and the indicative layout provided. In addition, further consideration of National Policy and Guidelines with

particular regard to the 12 criteria set out in the Urban Design Manual, which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), commencing with Criteria No. 1 Context. In addition, any justification should have regard to the proximity to and frequency of public transport services, existing and proposed, and to the strategic location of the site vis-a-vis such services. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

#### 4. Movement and Transportation

Further consideration and/or justification of the documents as they relate to vehicular, cycle and pedestrian connections including legibility and permeability to and through the development site. Further consideration should be given to the local policies contained in the Kilcock LAP regarding provision of connections, in particular the specific objectives MTO 11 which seeks to develop a new cycle link from the Bawnogues to the Train Station using 'the Island' as a route along the Railway and MTO 25 which seeks to link Bawnogues to the M4 interchange.

Further consideration should be given to how the proposed street hierarchy and access arrangements are consistent with the principles of the Design Manual for Urban Roads and Streets. Consideration should also be given to public transport routes proposed to serve the development lands. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

- 8.4 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. A layout plan with the zoning objectives overlain on the proposed residential scheme to provide clarity regarding location of residential units vis-à-vis the open space lands.
2. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
3. An Archaeological Impact Assessment.
4. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous residential developments and the open space lands to the south.
5. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.
6. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
7. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).

8. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
9. A construction and demolition waste management plan.
10. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
11. A site layout plan indicating all areas to be taken in charge.
12. Noise Assessment Report having regard to proximity of site to M4
13. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
14. Appropriate Assessment screening report and if appropriate a Stage 2 Natura Impact Statement.
15. Applicant needs to satisfy himself and the Board in the event of making an application that the proposed development is not mandatory for the purposes of Environmental Impact Assessment. Attention is drawn to section 7 provisions of the Planning and Development Amendment Act 2016 and seek a determination, if desired. In the event that the development is considered sub-threshold, the information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 should be submitted.

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. Córas Iompair Éireann
4. Minister for Culture, Heritage, and the Gaeltacht
5. Heritage Council
6. An Taisce – the National trust for Ireland
7. Kildare County Childcare Committee

**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 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Joanna Kelly

Senior Planning Inspector

6<sup>th</sup> December 2018