



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
302840-18**

Strategic Housing Development

Demolition of existing building, construction of 322 no. residential dwellings (206 no. houses, 116 no. apartments), childcare facility, new link road (as permitted under Part 8 and associated site works).

Location

Capdoo, Clane, Co. Kildare

Planning Authority

Kildare County Council

Prospective Applicant

Crodaun Development Company Ltd

Date of Consultation Meeting

November 30th 2018

Date of Site Inspection

16th November 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 has a stated area of circa 10.99 hectares, is located approximately 500m to the north of the centre of Clane, Co. Kildare. It is an irregular shaped site, currently in agricultural use. It essentially forms a series of fields, separated by a mature tree lined hedgerow and separated on all sides by housing or public roads.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the demolition of existing buildings on site and the construction of 322 residential dwellings. The proposal also includes for provision of a childcare facility, delivery of new link road as per permitted Part 8, connection to R407 to the Capdoo Park access road to the south and the Celbridge Road (R403) together with the construction of a new roundabout on the Kilcock Road (R407). The proposed development also provided for pedestrian/cycle access from the local roads to the north and east. A 10 year permission is sought.

3.2 The prospective applicant has stated that an Environmental Impact Assessment of the proposal is required.

The following details are noted:

Parameter	Site Proposal
Application Site	10.99 ha (red line boundary) 9.6594 ha (omitting spine road)
No. of Units	322 dwellings
Other Uses	Childcare Facility-294m ² - capacity for 43 children
Car Parking	631
Vehicular Access	New Link Road/secondary access from rural road to north and Capdoo Lane to south
Part V	32 units
Density	29.3 (gross)/33.34 (nett) units/ha

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	4+ bed	
Apartment	8	58	50	-	-	116
House	-	-	108	86	12	206
Total	8	58	158	86	12	322
% Total	2.5%	18%	49.1%	26.7%	3.7%	100%

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')(2009)
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)

4.2 Local

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

Clane identified as a 'Small Town' in the Core Strategy- to develop as key local centres for services with levels of growth to cater for local need at an appropriate scale and to support local enterprise to cater for local demand. Housing unit allocation for Clane provides for 780 no. additional units over the period 2016-2023.

Clane LAP 2017 applies

Zoning:

'Objective C New Residential Infill' which seeks to 'provide for new residential development'.

A small portion of the NW corner of the site, proximate to the R407 is zoned 'Objective B Existing Residential' with the objective to 'protect and enhance the

amenity of established residential communities and promote sustainable intensification’.

Residential use is ‘permitted in principle’

Site is identified as a ‘Key Development Area 2’ (KDA2). The subject site comprises the full extent of KDA2-Capdoo.

Section 12.2.2 Key Development Area 2-Capdoo

Vision:

The consolidation of the urban area of Clane through new residential development, with a high quality permeable urban form, which delivers important connectivity for the town between the Kilcock and Celbridge Regional Roads.

Connectivity/Movement

Provide road link between Kilcock Road and Celbridge Road. Achieve vehicular, pedestrian and cyclist permeability throughout the development area, with main accesses off proposed link road and potential access points from College Road East, Capdoo Road and local road north of development area. Facilitate potential future links through adjacent lands to destinations including local shops (Lidl) and the town centre. Design all roads and streets in accordance with the Design Manual for Urban Roads and Streets.

Built Form

Provide passive surveillance of roads and open spaces and address existing unsupervised edges, predominantly through the use of the perimeter block in built form. Create legible development with sense of place. Have regard to residential amenity of existing dwellings at the perimeter. Buildings 2 – 3 storey height with transition in scale from existing residential development. This KDA is likely to accommodate lower to medium density residential development in the order of 25 – 30 units per hectare. Buildings shall not exceed 2 storeys in height along the southern, eastern and western perimeters of the site where they adjoin existing residential properties.

Landscape and Spaces

Provide min. 15% of area as public open space. Retain natural heritage and Green Infrastructure features through incorporation into areas of open space and boundaries of residential development. Incorporate natural heritage and Green Infrastructure features in addressing flood risk and preparation of SuDs strategy.

5.0 **Planning History**

None

6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the prospective applicant and the planning authority that one pre-application consultation took place with the planning authority on 12th June, 2018 (Ref. PP4094).

7.0 **Submissions Received**

Irish Water

Confirmation of Feasibility issued for this site for 323 no. residential units. Advises that it is currently feasible to connect 205 no. units. To accommodate the proposed wastewater connection for the remaining 181 no. units, upgrade works are required to increase the capacity of the Irish Water network. Irish Water currently has a project (Upper Liffey Valley Contract 2B, including associated upgrades in Clane) on their current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by 2021 (this may be subject to change) and the proposed remaining connections could be completed as soon as possibly practicable after this date.

The status of the Upper Liffey Valley Contract 2B is:

- Compulsory Purchase Order (CPO) process has commenced- published on 24th July 2018
- Development consents are in place
- Irish Water is currently reviewing the construction tenders
- Construction currently due to start in Q2/Q3 2019 with completion due in 2021

Therefore, based upon the CoF, Irish Water confirms that subject to the completion of the upgrades noted above, and a compliant water and wastewater layout, and a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated.

8.0 Forming of 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 brief detail on each of these elements hereunder.

7.1 Documentation Submitted

- 8.1.1. 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, letters of consent, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency Report, Planning Report; Part V details, architectural drawings; Architecture Design Statement; Landscape Masterplan; Landscape Design Rationale; Traffic and Transport Assessment; DMURS Design Statement; Site Services drawings; Arboriculture Report; Arboriculture Assessment; Tree Survey and Constraints; Infrastructure Design Report; Environmental Report;

Architectural Design Statement; Schedule of Accommodation; Screening Report for AA and Site Specific Flood Risk Assessment.

8.1.2. 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 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 16th November 2018.

7.2.2 The planning authority's 'opinion' included the following matters: internal reports, proposal, planning history; site and surrounding area; heritage and landscape; policy context; principle of development; density; plot ratio; public open space provision; residential mix; space standards; Part V; qualitative assessment in relation to 12 criteria as indicated in Urban Design Manual (2009).

7.2.3 The following points are noted:

- Considered that proposed density at 33 units/ha is unsuitably high at this location and would represent overdevelopment of the subject site. Recommended that density be reduced accordingly to 25-30 units/ha.
- Concerns regarding height and location of proposed apartment building planned for NW corner of the site-considered elements should be omitted- reduction in number of units at this location would reduce density accordingly
- Character of new road is critical and should appear as a 'street' rather than 'inner relief road'
- Permeability connections from new road to College Road East and Mainham Woods to west and access to east onto L5078
- Public open space provision falls short of LAP requirements- ensure all areas benefit from overlooking- Area 9 lacks meaningful supervision
- Extent of hedgerow and tree removal is greater than anticipated in KDA Design Brief

- Cut and fill- existing and proposed cross sections to be submitted
- Submission of site specific Flood Risk Assessment
- Part V should be addressed prior to making of application
- Foul and surface water supply and flooding, required to be addresses
- Additional information required in relation to transportation
- additional information on site layout plan required; submission of VIA and additional contiguous elevations

7.2.4 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 30th day of November 2018, commencing at 11.00 am. 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:

- Development strategy for the site to include layout, density, unit mix and typology, connectivity, Part V proposals, open space provision, phasing
- Infrastructural constraints- foul and surface water drainage
- Transport and parking
- Any other matters

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

- Details in relation to extent of delivery of proposed link road
- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, given the location of the site in the overall context of Clane and Dublin city with its built-up areas; creation of an urban edge along public road; creation of hierarchy of streets; use of cul-de-sacs; creation of a streetscape

- Density proposed in the context of the Sustainable Residential Development Guidelines
- Unit mix and typology and the prevalence of three bed and larger dwellings
- Connectivity achievable in the surrounding area, in particular to nearby shops and services, to existing public transport links; to lands to east
- Open space provision and the desire to ensure that it is functional and usable, passively supervised with good pedestrian and cycle linkages; hierarchy of spaces; interface between public/private and communal open space areas; landscaping
- Part V in relation to issues raised within PA Opinion in terms of type and mix of units proposed
- Justification of proposal in terms of a ten year permission/phasing of development

7.3.4 In relation to infrastructural constraints, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- CPO process has commenced on the Upper Liffey Valley project
- Issue of prematurity in advance of outcome of the CPO process
- Proposed phasing/interim arrangement in advance of Contract 2B
- Surface water management and flood risk matters as detailed in Appendix B, Drainage Report of PA Opinion

7.3.5 In relation to transport and parking, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Rationale for roundabout at northern end of proposed link road
- Car and bicycle parking provision
- Matters raised within PA Opinion in relation to transport

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

- Clarification in relation to storage areas and submission of schedule of floor areas; materials/finishes; areas to be taken in charge; cut and fill and submission of proposed cross sections, details regarding number of haulage movements per day and where spoil will be deposited; landscaping/boundary treatments; ecological survey; school places likely to be generated by proposal; submission of construction and demolition plan; waste management; AA and EIAR

7.4 Conclusion and Recommendation

- 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. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 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.
- 7.4.4 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.

8 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. Density

Further consideration/justification of the documents as they relate to the density 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. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to Clane town centre, with its established social and community services. 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.

2. 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. The matters of arrangement and hierarchy of streets; the creation of a defined urban edge along the new link road; connectivity with adjoining lands; provision of quality, usable open space and the creation of character areas within a high quality scheme should be given further consideration. In addition, further consideration/justification of the documents as they relate to the proposed housing mix, having regard to the proportion of three bed and larger units within the overall proposed scheme. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted

3. Infrastructural Constraints

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).

4. 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 4th November, 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.

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 arising from this notification:

1. Cross sections and other drawings, as necessary, at an appropriate scale, which detail the interface between the proposed development and the new link road/street and which provide for a sense of enclosure by the proposed built form along the new link road/street.
2. A detailed phasing plan for the proposed development
3. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal
4. Waste management details
5. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access
6. A report identifying 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.
7. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018)
8. Construction and Demolition Waste Management Plan

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

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

10th December 2018