



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-304021-19**

---

<b>Strategic Housing Development</b>	160 no. residential units (110 no. houses, 50 no. apartments) and all associated site works.
<b>Location</b>	Newtown, Kill, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Resource Five Ltd
<b>Date of Consultation Meeting</b>	2 May 2019
<b>Date of Site Inspection</b>	19 April 2019
<b>Inspector</b>	Stephen Rhys Thomas

## 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 location and description is as it appears in the previous pre-application consultation application, ABP-302484-18 refers, I concur with its content as follows
- 2.2. *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.*
- 2.3. In addition, I note the inclusion of a large portion of zoned open space in the current pre-application documentation. These lands have an undulating topography and sit significantly higher than the existing levels associated with the proposed location of housing units.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development is the construction of 160 dwellings, as follows:

UNIT TYPE	NO. OF UNITS	%
<b>HOUSES</b>		
2 bed	24	15%
3 bed	67	41.9%
4 bed	19	11.9%
<b>APARTMENTS</b>		
1 bed	22	13.7%
2 bed	28	17.5%
<b>TOTAL</b>	<b>160</b>	<b>100</b>

The development has a stated net density of 36 units/ha.

3.2. The development also includes:

- Approx. 18,100 sq.m. public open space.
- Provision of a link road.
- 2 no. ESB substations.
- Wastewater pump station.
- Part V proposals comprising transfer of 16 no. units to the planning authority (12 no. apartments and 4 no. 3 bed houses).

### 4.0 Planning History

4.1. **Subject Site**

**Reg. Ref. 03/2695 and 15/119**

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 24<sup>th</sup> April 2017.

#### 4.2. **Relevant Sites in Kill**

##### **ABP-303298-18**

Relating to a site at Kill Hill to the north of the development site, within the Kill Small Town Plan area. Permission refused for 136 no. dwellings, 1 vehicular link at Kill Hill Lane, 2 no. vehicular connections to the Avenue and all associated site works. The reasons for refusal were as follows:

1. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, and Policy MD 1 of the Kildare County Development Plan 2017-2023, seek to ensure that a wide variety of adaptable housing types, sizes and tenures are provided. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future. The proposed development, which is characterised predominantly by three and four bed, detached and semi-detached housing and provides for a very limited number of one and two bedroomed units, would fail to comply with national and planning authority policy, as outlined above, and would be contrary to these Ministerial Guidelines, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form and layout; fails to provide high quality usable open spaces; fails to establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013, and involves two vehicular accesses into the adjoining Earl’s Court housing estate. It is considered that the proposed development would, therefore, seriously injure the residential amenities of future occupants, would endanger public safety by reason of traffic hazard, particularly to pedestrians within the Earl’s Court estate, and would be contrary to the proper planning and sustainable development of the area.

The following notes are of relevance:

Note 1: In arriving at its decision, the Board had regard to the report of the Chief Executive of Kildare County Council, and was not satisfied that the applicant had adequately demonstrated that the proposed development, and in particular houses number 63 to 71, would not have an adverse impact on the setting of the National Monument of Kill Hill. However, as the matter had not been specifically raised by the Department of Culture, Heritage and the Gaeltacht, the Board decided not to include this as a further reason for refusal.

Note 2. In modifying the wording of refusal reason number 2 from that recommended by the Inspector, to include reference to the two vehicular accesses that are proposed between the subject site and the existing Earl’s Court housing estate, the Board had regard to its previous decision on this

site, under reference number ABP-300558-18, which specifically referred to the need to provide for pedestrian and cycle, but not vehicular, access from the lands through the adjoining estate, in the interests of pedestrian and traffic safety. In this context, the Board noted the concerns expressed by the residents of this existing estate, did not concur with the view of the Inspector on the matter, and considered that the issue of traffic hazard, particularly to pedestrians within this long-established estate, was significant. The Board is satisfied that the subject site can be accessed by vehicular traffic through the proposed improved junction at Kill Hill Lane, following the necessary comprehensive re-design of the overall lands that would be available for development following the archaeological constraints, and that national policy on permeability can be complied with through pedestrian and cycle links to the adjoining estate, without the need for vehicular connectivity, in the particular circumstances of this case.

Note 3. The Board noted the significant concerns expressed by the planning authority's Water Services Section, in Appendix B of the Chief Executive's Report, that the proposed engineering design in relation to surface water drainage was inadequate and would require amendments that would have the potential for significant changes to the proposed drainage design and site layout. Furthermore, the Board noted that these matters had been raised by the planning authority's representatives at the pre-application consultation meeting on September 11th 2018, but would appear not to have been fully resolved by the applicant with the planning authority prior to the submission of the present application. While deciding not to include this matter as a further reason for refusal in this Order, the Board noted that any future application for development on this site will need to have these issues clarified and addressed.

### **ABP-300558-18**

Relating to the same site above. Permission 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 1<sup>st</sup> 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. 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:

- 'Urban Development and Building Heights Guidelines for Planning Authorities' - 2018
- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- 'Design Manual for Urban Roads and Streets' 2013
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')
- 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' - 2018
- 'Childcare Facilities – Guidelines for Planning Authorities' 2001

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

## 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 - To provide for new residential development' under the provisions of this plan. A large portion of the site includes lands zoned Objective F – Open Space and Amenity - To protect and provide for open space, amenity and recreation provision.
- 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; Draft 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; Water PCE Response Statement including Irish Water Confirmation of Feasibility; Appropriate Assessment Screening Report; Ecological Impact Assessment Report.

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

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 net residential density of 36 units/ha. The net area of the site is calculated with the exclusion of F zoned land and the future distributor road to the south and west of the site. 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 two pedestrian links to

adjoining lands to the north of the site at Embassy Manor and undefined agricultural lands.

- 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.
- 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 statement on flood risk 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 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 24 April 2019 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 RSES for each region will be published to replace existing RPGs, 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 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 2<sup>nd</sup> 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. The

proposed development represents a gross density of c. 36 units / ha, excluding major roads and open space results in a net density of 39 units / ha. However, the PA are unclear as to the accuracy of the applicant's density calculations and wish greater clarity. The settlement strategy allocates a housing target of 422 units for Kill up to 2023.

- The housing mix is considered to be acceptable.
- The site layout is constrained due to the L shaped configuration. No negative impacts on adjoining residential properties. The provision of pedestrian linkages to Embassy Manor is welcomed.
- Public Open Space is indicated as 33%, but the quantum and distribution of open space on residentially zoned land requires attention. Locating swales in open spaces is not acceptable.
- Design. Some concerns are expressed with detailed aspects of the layout and design of houses and apartments. Some minor design alterations may be necessary to some proposed Part V units.
- Parks Dept. Notes that landscaping plans lack sufficient detail to determine the quality of the scheme.
- Transportation. Welcomes permeability with the Embassy Manor development to the north. Some traffic calming concerns, location of pumping station and attenuation tanks under roads.
- 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. Swales and public safety concerns.

## **7.2. Submission from 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 is now completed.
- Development consents are in place.
- Construction is currently due to start in July 2019 with completion due in April 2022.

### **7.3. Submission from Department of Culture, Heritage and the Gaeltacht**

- 7.3.1. The condition of a large proportion of the site is noted. The rest of the development site does not show any indications of having been disturbed however, there would be merit in having test excavations carried out in the undisturbed areas, as this would give some indication as to the archaeological potential of the development site. Archaeological test excavations should be carried out in the undisturbed areas of the development site, and an appropriate written report on their results should be prepared in advance of an application.

### **7.4. The Consultation Meeting**

- 7.4.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 2 May 2019. 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.
- 7.4.2. 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 – density, landscape design and quantum of public open space
  2. Pedestrian connectivity
  3. Site interface and context
  4. Water Services
  5. Part V
  6. Any other matters
- 7.4.3. In relation to the Development Strategy – density, landscape design and quantum of public open space, ABP representatives sought further elaboration / discussion on

the prospective applicant's approach to the calculation of residential density. In particular, it was not certain what aspects of the development, such as roads and public open space were included or excluded for the purpose of reaching a net or gross figure. The approach to establishing a residential density calculation should be clearly set out in the context of national guidelines and the location of the site relative to Kill village/town centre. The planning authority were not satisfied that the quantum of development and density proposed would be appropriate for the site or in accordance with the core strategy of the development plan. There was discussion on the large quantity of public open space proposed and the necessity to meet local plan standards in relation to public open space amounts on residentially zoned land. The suitability of locating swales on public open spaces was also examined and a demonstration by the applicant of usability should be submitted. Given the large expanse of public open space proposed, the applicant was requested to demonstrate safety and the possibilities for passive supervision of play areas and footpaths.

- 7.4.4. In relation to Pedestrian connectivity, ABP representatives sought further elaboration / discussion on the likelihood of achieving pedestrian connections through adjacent lands, such as the GAA lands and Embassy Manor to the north. The importance of pedestrian/cycle connectivity was emphasised, and a robust assessment of achievable linkages should be fully explored, in order to meet national guidelines on permeability. The prospective applicant was enthusiastic about achieving local connections but also pointed out that walking distances to Kill centre would remain more or less the same with or without new pedestrian connections.
- 7.4.5. In relation to Site interface and context, ABP representatives sought further elaboration / discussion on the unresolved space between the proposed development and The View, which is currently a service access to the GAA lands. Concern was expressed at the configuration proposed that would result in a narrow laneway, unsupervised and characterised by a high boundary treatment on both sides. An alternate location of an access to the GAA lands was discussed but would require both a redesign and agreement with the relevant GAA committee.
- 7.4.6. In relation to Water Services, ABP representatives sought further elaboration / discussion on the status of the Upper Liffey Valley Contract 2B. The location of proposed pumping station was deemed to be problematic by the planning authority

as it may cause a traffic hazard. In addition, technical aspects of surface water management were discussed in terms of the location of attenuation tanks, swales and outfalls to local streams/ditches. Technical details should be discussed further with the planning authority to ensure the optimum design approach concerning surface water management.

- 7.4.7. In relation to Part V, ABP representatives sought further elaboration / discussion on the design and configuration of Part V units proposed by the applicant. Further discussion was encouraged but it was noted that a suitable agreement could easily be reached.
- 7.4.8. In relation to any other matters, ABP representatives sought further elaboration / discussion on the need to prepare robust material to address all the issues discussed. The planning authority reiterated their concerns about the proposed development, its residential density and discordance with the core strategy of the development plan.
- 7.4.9. 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-304021-19' 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**

- 8.1.1. 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.
- 8.1.2. 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, submissions received from statutory consultees referred to under Section 6(10) of the Act 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.

- 8.1.3. 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, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act: constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.1.4. 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

- 9.1.1. 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.
- 9.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted would **constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

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. Updated information with regard 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 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). In addition, the location and capacity of the proposed pumping station should be clearly described and address the siting and design concerns raised by the planning authority.
2. A detailed phasing plan for the proposed development, that takes into account item 1 above.
3. A plan of the areas excluded for the calculation of net density in addition to a plan of all open spaces within the site clearly delineating public and private spaces.
4. A planning rationale in respect of housing density, layout of open space provision and compliance (or otherwise) of core strategy figures, as applicable
5. A detailed assessment and landscaping design masterplan that explains the hierarchy of public open spaces throughout the entire site, detailing play areas for different age groups, footpaths and cycleways and the integration of surface water management measures if appropriate.
6. A high level site layout plan indicating pedestrian and cycle connections through the development lands and any proposed future potential links, specifically Embassy Manor to the north of the site. All potential future pedestrian/cycle links should be provided up to the boundary of the application site.
7. Full and complete drawings including levels and cross sections showing the proposed relationship between the development and adjacent residential units, specifically between the development and 'The View' to the east. An appropriate interface design approach between the subject site and 'The View' should ensure that opportunities for passive supervision of access laneways are maximised.

8. A site layout plan which clearly indicates what areas, including any pedestrian and cycle routes/connections, are to be taken in charge by the Local Authority.
  9. Drainage information to include 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. The location, specification and design of all surface water management infrastructure such as attenuation tanks, swales and outfalls.
  10. 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.
  11. Archaeological Impact Assessment, the prospective applicant is advised to note and address the issues raised in the submission from Department of Culture, Heritage and the Gaeltacht, received by the Board on the 17 April 2019.
  12. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- 9.2. 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.

---

Stephen Rhys Thomas  
Planning Inspector  
22 May 2019