



**An  
Bord  
Pleanála**

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

**Inspector's Report on  
Recommended Opinion  
304246-19**

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<b>Strategic Housing Development</b>	495 dwellings consisting of 228 no. houses, 42 no. duplex units and 225 no. apartments, together with childcare facility, gym nad 2 no. retail units.
<b>Location</b>	Crodaun, Celbridge, Co. Kildare
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Crodaun Development Company Ltd
<b>Date of Consultation Meeting</b>	May 29 <sup>th</sup> 2019
<b>Date of Site Inspection</b>	May 28 <sup>th</sup> 2019
<b>Inspector</b>	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 12.9 hectares, is located in the townland of Crodaun, to the north-west of Celbridge, Co. Kildare. The site is located approximately 1.5km from the original town centre. The site comprises three agricultural fields, separated by mature hedgerows and is relatively flat. The southern boundary of the site is defined by a stream and mature hedgerow. The R405 Maynooth Road is located to the east of the site and there is little in the way of screening along this boundary. The site is highly visible as one travels along the Maynooth Road. 10KV powerlines traverse the site.

## **3.0 Proposed Strategic Housing Development**

3.1 The proposed development comprises the construction of 495 residential units, a childcare facility, gym and two retail units. The prospective applicant has stated that the proposal will include for the submission of an EIAR.

The following details are noted:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	12.9 ha (red line boundary)  10.9 ha (omitting 'open space' zoned lands to North)
No. of Units	495 units
Other Uses	Childcare Facility-689 m <sup>2</sup>  Shop- 93 m <sup>2</sup>  Gym- 224 m <sup>2</sup>  Shop- 89 m <sup>2</sup>
Car Parking	Cumulative Figures not given
Vehicular Access	Maynooth Road – 2 access points
Part V	50 units
Density	44.86 units/ha (nett)/ 45.41 units/ha my calculation

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	5 bed	
Apt	48	106	71	-	-	225
Duplex	21	-	21	-	-	42
House	-	15	107	86	20	228
<b>Total</b>	<b>69</b>	<b>121</b>	<b>199</b>	<b>86</b>	<b>20</b>	<b>495</b>
% Total	13.9%	24.4%	40.2%	17.3%	4%	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')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

- '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.

Celbridge is identified as a 'Moderate Sustainable Growth Town' in the operative County Development Plan.

The Core Strategy of the CDP 2017-2023 allocates 10% of Kildare's housing growth to Celbridge over the period 2017-2023, out of a total housing allocation of 32,497 units for the County. Table 3.3 of the CDP identifies a housing unit target of 10,333 units for Celbridge to the year 2023, through the addition of 3,250 housing units over the Plan period. This represents an overall target population for the town of 22,801 persons. The Plan supports the achievement of the Core Strategy growth allocation of 3,250 units and incorporates a level of flexibility to meet demand over a 9 year horizon.

Celbridge LAP 2017 applies

Site is identified as part of 'Key Development Area 4-Crodaun' (KDA4). The subject site comprises lands on the western side of R405, which correlates with the western side of KDA4.

### KDA 4 Crodaun

The Crodaun KDA comprises approximately 21.9 hectares of land on the northern outskirts of the town on both the east and west side of the Maynooth Road. The M4 Business Park and the Salesians secondary school are located to the north of the KDA. The Castle Village and Crodaun Forest Park housing estates are located to the south of these lands.

### *Vision*

A residential area and public park that consolidates development to the north of the town and presents a landscaped edge to the Maynooth Road.

### *Connectivity/ Movement*

The primary means of vehicular access to this KDA will be off the Maynooth Road. New streets and spaces should provide for a cycle and pedestrian friendly environment with connections to the Maynooth Road and Kilwogan Lane. A permeable and integrated street network shall be a key requirement of development proposals.

### *Built Form*

The development of this KDA should reflect the established pattern of development in the area and should protect the amenity of adjoining residential estates.

A mix of housing types that range from two to three storeys in height is encouraged. Landmark / feature buildings should be provided along prominent routes and at key junctions to provide for variety and legibility in the urban environment and to reinforce a hierarchy of streets and spaces. This site will accommodate medium to low-density residential development in the order of 25 units per hectare. However, where the quality of the design and layout is particularly high, a maximum density of 30 units per hectare may be achievable.

### *Landscape and Spaces*

New residential areas at Crodaun should comprise a hierarchy of open spaces. Larger open spaces should provide a focus for the developments on both sides of the road with smaller areas of open space being utilised to provide a landscape buffer to the Maynooth Road and incidental open spaces within the site.

Existing landscape features such as tree lines should be integrated into open spaces. Open space networks that incorporate pedestrian and cycle routes, provide for passive and active recreation, promote ecology and integrate Sustainable Urban Drainage Systems are promoted.

### Zoning:

The northern triangle is zoned 'Objective F'- 'Open Space and Amenity'

The remainder of the site is zoned 'Objective C New Residential Infill' which seeks to 'provide for new residential development'.

Residential use is 'permitted in principle' within the residentially zoned lands.

## 5.0 **Planning History**

### 302887-18

A Notice of Pre-Application Consultation Opinion issued from An Bord Pleanála in relation to this subject site for 382 residential units and childcare facility which stated that An Bord Pleanála was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. An Bord Pleanála considered that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development- Design, Layout and Mix; Density; infrastructural Constraints; Surface Water Management and Flood Risk Assessment.

An application of note in the vicinity is:

### 16/260 (PL09.247364)

Permission GRANTED for 79 dwellings approximately 300 metres from subject site, with the following Condition No. 3 attached:

3. The development shall be carried out on a phased basis in accordance with a phasing scheme which, inter alia, shall have regard to the disposal of foul water from the proposed development in the context of the constraints in the Celbridge area of the Lower Liffey Valley Sewerage scheme. The phasing scheme shall be submitted to, and agreed in writing with, the planning

authority prior to the commencement of development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

6.1 It is stated by the prospective applicant that pre-application consultations took place with the planning authority in relation to this current scheme on 12<sup>th</sup> February 2019.

## 7.0 Submissions Received

### Irish Water

Confirmation of Feasibility issued for this site for 497 no. residential units. As noted in the CoF, the wastewater network is operating at full capacity due to surface water infiltration. Irish Water must carry out capital works to divert the Primrose Hill pump station effluent into another catchment area which will free up some capacity in Celbridge wastewater treatment plant. This project is on Irish Water's Capital Investment Plan and is scheduled to be complete in 2021 (subject to change).

The diversion of Primrose Hill pump station effluent will not provide capacity for all of this proposed development. The overall strategy for Celbridge will be determined by the Lower Liffey Drainage Area Plan which is due for completion in 2021. The outcome of this plan will determine what statutory permissions, if any, are required.

Alternatively the development may wish to proceed with phased development prior to the completion of the capital works. The number of houses which can be accommodated will be determined by the following:

- The removal of surface water from the combined network. The proposed surface water solutions by the development must be agreed with Kildare County Council as the surface water drainage authority



- An assessment of capacity in the local downstream foul sewer network in conjunction with the surface water removal to determine exactly the number of houses which could be accommodated. The developer would have to enter into a Project Works Services Agreement (PWSA) to deliver this assessment. To date, the developer has not entered into a PWSA with Irish Water.

Advises that based on the CoF and subject to infrastructural upgrades, 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.

### **8.1 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, a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency & Planning Report, Part V details, architectural drawings; Tree Survey; Cultural Heritage Assessment; Biodiversity Report; DMURS Design Statement; Transportation Assessment; Public Lighting Layout; Engineering drawings; Engineering Services Report; Response to Kildare County Council Opinion; Traffic Survey Results; AA Screening Report and Flood Risk Assessment.
- 8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **8.2 Planning Authority Submission**

8.2.1 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 16<sup>th</sup> May 2019.

8.2.2 The planning authority's 'opinion' included the following matters: description of development, site location and surroundings, policy context, history, principle of development, density, plot ratio, open space, mix of units, space standards, parking, Part V provision, proposed crèche, qualitative assessment in relation to 12 criteria as indicated in Urban Design Manual (2009), environmental reports/AA screening, internal reports. The following points are noted:

- Residential development on lands zoned 'New Residential' would in principle accord with the provisions of the Kildare CDP and Celbridge LAP
- Significant revised layout is required to address the issues of one single access and a density that accords with the Celbridge LAP and has due regard to the location of the site on the outer edge of Celbridge and at a remove from a train station with limited public transportation
- Serious concerns regarding the architectural approach to the overall scheme given the significance of the location of the site which will announce the entrance/exit to Celbridge
- Concerns regarding poor quality of the design of the apartment blocks, having regard to prominent gateway location of the site- higher architectural quality with appropriately considered public realm is required. Architectural language of the dwelling houses needs to be significantly improved upon
- Significant revised design is required in relation to the following: density of 30 units/ha; one single access; significantly higher architectural quality; input from multidisciplinary design team to help create an appropriate transition between architecture and public realm; address detailed design at grade level; creating a sense of place and distinctive character areas within the scheme; hierarchy of open space; clear definition between private, semi-private and

public spaces; revised layout with strong sense of arrival; creation of street frontages; two bridges are required at SE and SW corners of the site accessing Kilwogan Lane

- Detailed requirements of Transportation, Water Services and Parks Sections, together with Tusla with regards crèche provision

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### 8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 29<sup>th</sup> day of May 2019, commencing at 10.00 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.

8.3.2 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, elevational treatment, connectivity, Part V proposals, open space provision, childcare facility
- Infrastructural constraints- foul and surface water drainage; flood risk
- Transport and parking
- Any other matters

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

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, given the location of the site within the Metropolitan area and in the overall context of Celbridge and proximity to Dublin city with its built-up areas; 12 criteria as set out in Urban Design Manual; creation of an urban edge along public road; lack of identifiable street hierarchy; character areas
- Density proposed in the context in the context of the Sustainable Residential Development Guidelines

- Unit mix and typology and the prevalence of three bed and larger units
- Connectivity achievable in the surrounding area, including lands to the west, to nearby shops and services, to existing public transport links
- Size/location of childcare facility
- Elevational treatments, in particular to childcare facility and apartment blocks; materials/finishes
- Open space provision and the desire to ensure that it is functional and usable; hierarchy of open spaces; interface between public/private and communal open space areas; landscaping; waste management
- Part V in relation to issues raised within PA Opinion in terms of type and mix of units proposed

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

- Wastewater network constraints as detailed in Irish Water report to An Bord Pleanála (dated 16/05/2019) and Water Services report of Planning Authority (dated 10/05/2019), as detailed in Appendix B, of PA Opinion and means by which such constraints can be overcome
- Surface water management and flood risk matters as detailed in Appendix B, Drainage Report (dated 10/05/2019) of PA Opinion

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

- Number of access points onto R405
- Advised discussion with local landowners in terms of providing co-ordinated developments
- Car and bicycle parking provision
- Other matters raised within Appendix B, Transportation Report of PA Opinion

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

- Regard to be had to existing and future residential amenity
- Clarification in relation to undergrounding of powerlines; submission of schedule of floor areas; materials/finishes; areas to be taken in charge; submission of ecological surveys; landscaping/boundary treatments including treatment of area adjoining stream to south of site; submission of CGIS/visualisations, school places likely to be generated by proposal; waste management; Building Lifecycle Report and Appropriate Assessment

#### 8.4 Conclusion and Recommendation

8.4.1 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.

8.4.2 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.

8.4.3 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.

8.4.4 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.

## 9 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. 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 Maynooth 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. This further consideration should be undertaken in an holistic manner, examining the entirety of the development site and should examine areas of the site where increased height and density may be appropriate, for example along the Maynooth Road, overlooking the areas of open space and along the southern site boundary. 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

## 2. Elevational Treatment/Finishes

Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and finishes of the proposed development, having regard to the context of the site within an established suburban area and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application. In addition, a report that specifically addresses the materials and finishes of the proposed structures including specific detailing of finishes, openings, the treatment of balconies, railings, landscaped areas and boundary treatments, having regard to the long term management and maintenance of the proposed development should be submitted. Furthermore, particular regard should also be had to proposals for the treatment of the interface between the proposed buildings and public realm/areas of communal open space. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage

## 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 the Lower Liffey Drainage Area Plan. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these 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 10th May, 2019 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. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture and play areas where proposed, and which includes detailed proposals for the area of zoned public open space, included within the red line boundary.
2. A detailed phasing plan for the proposed development
3. Ecological Surveys
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. Details of re-routing or undergrounding of any overhead power lines
7. 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.
8. A schedule of floor areas for all proposed units



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. Inland Fisheries Ireland
4. National Transport Authority
5. Commission for Energy Regulation
6. Kildare 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 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

*Lorraine Dockery*

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Lorraine Dockery  
Senior Planning Inspector

04<sup>th</sup> June 2019