



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion**

ABP-304422-19

Strategic Housing Development	589 no. residential units (403 no. houses, 44 no. duplex units, 142 no. apartments) and associated site works.
Location	Lands at Newtownmoyaghy, Kilcock, Co. Meath.
Planning Authority	Meath County Council
Prospective Applicant	Mc Garrell Reilly Homes
Date of Consultation Meeting	20 th June 2019
Date of Site Inspection	14th June 2019
Inspector	Erika Casey

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 - (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 greenfield site has an area of 24 ha and is located in the south east environs of Kilcock in the townland of Newtownmoyaghy. 9.1 ha of the site is zoned open space, 0.3 ha is zoned for community use (to the east of the site) and the remaining 14.6 ha is zoned for residential use. The residential lands are divided into two separate pockets (north and south) divided by a zone of open space aligned in an east west direction. A further linear area of land zoned for open space is located to the south of the subject lands. To the south of this, is the Royal Canal Greenway. The northern site has a slightly raised topography, whilst the southern portion is relatively flat. The lands are currently undeveloped and have no notable tree stands. Hedgerows define field boundaries within the site.
- 2.2 To the south and west of the site, there is housing development both permitted and under construction. It is intended that the proposed development will act as an extension to the Millerstown Housing Estate which is currently under construction. To date, of the 150 units permitted under RA150205, 67 units have been completed. Under RA161443, a further 130 units were permitted and it is expected that these will commence construction by the end of the year.
- 2.3 To the east, are lands proposed for the development of GAA grounds and further agricultural lands. To the north west, there is a site reserved for the development of a school. To the north, are agricultural lands and dispersed ribbon housing along the R125. The R125 links to Kilcock Town Centre to the west. The Moyglare Road is located further to the east of the site, although there is no connection to this existing road from the subject site. However, lands within the ownership of the applicant are

shown bounding the Moyglare Road. The land is serviced by the recently constructed distributor road constructed to the west to serve the existing housing development under construction. Three access points to the subject lands are to be provided from the distributor road. Vehicular access is also provided from two points along the R125 to the north.

2.4 Kilcock is located approximately 30km from Dublin City and to the north of the M4 Motorway. It has a population of 6,093 persons (2016 census). The town is served by the Dublin-Galway/Sligo railway line. The train station is located approximately 1km from the subject site. It is noted that Kilcock Town centre is located in the administrative area of Kildare Co. Council. However, the subject site is located on the Meath side of the town and is within the administrative area of Meath Co. Council.

3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises:

- The demolition of 2 no. residential dwellings and the construction of 589 no. residential units comprising:
 - 323 no. 3 bedroom houses
 - 80 no. 4 bed houses
 - 16 no. 1 bed duplex units
 - 22 no. 2 bedrooms duplex units
 - 6 no. 3 bedroom duplex and
- 142 no. apartments comprising:
 - 39 no. 1 bed units
 - 104 no. 2 bed units
- The construction of a 663.7 sq. metres crèche to provide for 133 no. children.
- The provision of 1,083 car parking spaces and 327 bicycle parking spaces.
- New boundary walls and fences, open space, internal site roads, pavements, public lighting, tree planting and bin storage.
- Provision of new GAA changing rooms (97 sq. metres) and associated

entrance road and car park.

- Infrastructure works including:
 - Surface water from the northern part of the site will be discharged into 2 no. detention basins to the south of the proposed development site. Surface water from the southern site will be discharged into a detention basin to the southeast of the development site.
 - SUDS measures including permeable paving, swales, filter trenches etc. will be provided to intercept and provide treatment to surface water run off at source.

3.2 The development will be split over 2 sites referred to the northern site (8.6ha) where it is proposed to construct 324 residential units at a net density of 37.7 units per ha and the southern site (6.0 ha) where it is proposed to develop 265 units at a net density of 44.1 unit per ha. The average density across both sites is 40.3 units per ha.

3.3 Vehicular, footpath and bicycle access will be provided to the development from the recently constructed link road on the R148 and from the R125. The northern site comprises 2 main link arms connecting the upper road with the lower link road. The southern portion of the development comprises 2 no. main link arms off the existing distributor road. Pedestrian and cycle only connection from the southern portion of the development will be provided along the riparian corridor that will extend into Kilcock Town Centre.

3.4 The housing mix is as follows:

Unit Type	No.	Percentage
1 bed dwelling	55	9
2 bed dwelling	125	21
3 bed dwelling	329	56
4 bed dwelling	80	14

Key Parameters

Parameter	Site Proposal
Site Area	24 ha
Residential	14.6 ha
Open Space	9.4 ha
Community	0.3 ha
Houses	403 units (68%)
Apartments	142 units (24%)
Duplex	44 units (7%)
Density	40.3 per ha
Additional Open Space	0.6 ha
Crèche	663.7 sq. m. - 133 children
Part V	59 units

4.0 Planning History

Site and Environs

Planning Authority Reference DA/130857/Appeal Reference PL17.242996

- 4.1 10 year permission refused in January 2001 for a development comprising 665 new residential dwellings, a neighbourhood centre, GAA pitch and MUGA, 1,496 car parking spaces, infrastructural works including partial realignment of the Rye Water River and re-profiling existing river banks as part of flood protection measures and provision of a single arch bridge for the distributor roads crossing the Rye Water River. Reasons for refusal related to the proposal being premature pending the preparation of a LAP for Kilcock, contrary to the objectives of the Development Plan, deficiency in site services, design and layout and traffic impact.

Planning Authority Reference DA/30481/Appeal Reference PL17.207046

- 4.2 Permission refused by the Board in August 2004 for a development comprising

infrastructural services including a distributor road of 0.57 km, realignment of the R148 (Maynooth Road) and a roundabout junction to facilitate proposed development, localised realignment and culverting of the Rye Water River to facilitate junction, provision of underground utilities, flood protection works comprising of raising existing ground level by 0.6m over a distance of 0.85km and all associated works.

- 4.3 The reason for refusal related to concerns regarding the location of the development on the natural flood plain of the Rye Water River. The Board were not satisfied on the basis of the documentation submitted, that the development would not exacerbate the risk of flooding.

Planning Authority DA/50310

- 4.4 Permission refused by Meath County Council in May 2006 for a development comprising 357 dwellings and a site for a crèche. The development also provided for the localised diversion and remodelling of the Rye Water River Channel and construction of a 9.7m span low profile arch bridge, roundabout junction with the R148 and proposed distributor road to the north and all associated landscaping, car parking, development and works.

Planning Authority Reference DA/60558/Appeal Reference PL09.223495

- 4.5 Permission refused by the Board in October 2008 for the development of 336 metres of new roadway comprising 7.3m carriageway, 2 no. 1.5m cycleways, 2 no. 2m footpaths, public lighting; 336m foul gravity sewer; 336m of watermain including hydrants, sluice valves and air valves and all associated site works. It was detailed that the new road would form a priority junction with the R125 and tie into a separate road proposal to the east of the application site to be lodged under a separate application with Meath and Kildare Co. Co.
- 4.6 The reason for refusal related to concerns regarding the location of the development on the natural flood plain of the Rye Water River. The Board were not satisfied on the basis of the documentation submitted, that the development would not exacerbate the risk of flooding.

Planning Authority Reference DA/100614/An Bord Pleanála Reference PL17.238370

- 4.7 10 year permission granted by the Board in January 2013 for development of

infrastructural works consisting of the provision and completion of a roundabout junction with the R148, the alignment of which is substantially within the administrative area of Kildare County Council and is the subject of a concurrent application; provision of a 7.3m wide distributor road alignment with integrated cycle track, 2m wide pedestrian paths and associated works.

Planning Authority Reference DA/100697/Appeal Reference PL17.239375

4.8 Permission granted by the Board in January 2013 for a 10 year permission for infrastructural works to include:

- A proposed distributor road (390m x 7.3m) with accompanying cycleways, footpaths and landscaping, a new signal controlled junction with the R125 and all ancillary site development works, and
- Associated flood mitigation works, i.e. the realignment and re-profiling of the existing drainage channel, the “Upper Ditch”, the provision of a new engineered flood storage channel and flood storage area and the partial re-profiling of lands with excavated fill.

Planning Authority Reference DA10/1044/Appeal Reference PL17.239211

4.9 10 year permission granted by the Board in January 2013 for infrastructural works as part of a comprehensive overall co-ordinated design for the delivery of a distributor road, services and flood mitigation works which are included as objectives in the Kilcock Environs Local Area Plan 2009-2015 in the townland of Balfeghan, Kilcock, County Meath.

Planning Authority Reference DA/10/0834/Appeal Reference PL17.239523

4.10 A 10 year planning permission granted by the Board in January 2013 for development on lands (4.4 hectares) bounded by the R125 to the north-east and south/south-east, the Rye Water River to the south-west and adjoining lands to the north/north-east in the townland of Newtownmoyaghy, Kilcock, County Meath. The development will consist of a distributor road (part of) and services infrastructure including flood mitigation works as part of the co-ordinated delivery of a distributor road of 2.7 kilometres from the R148 Maynooth Road at Branganstown to the R158 Summerhill Road at Dolanstown and flood mitigation works associated with the Rye Water River within Kilcock Environs.

Planning Authority Reference DA/11/1346/Appeal Reference PL17.239772

- 4.11 A 10 year planning permission granted by the Board in January 2013 for infrastructural works. The infrastructural works are part of a comprehensive overall co-ordinated design for the delivery of a distributor road, services and flood mitigation works which are included as objectives in the Kilcock Environs Local Area Plan 2009-2015. The overall distributor road will link the R148 (Maynooth-Kilcock Regional Road) to the south-east with the existing roundabout on the R158 (Summerhill Road) to the north-west.

Planning Authority Reference KCC10/571/Appeal Reference PL09.238818

- 4.9 Permission granted by the Board in January 2013 for a 10 year permission for development of infrastructural works in the townland of Branganstown, Kilcock. The development consisted of a partial realignment of the R148 over a length of 0.2km to provide for a roundabout junction facilitating access to zoned lands north of the site within the administrative area of Meath Co. Co. These works include associated drainage infrastructure including sewer connection to the approved Kildare Co. Co. Lower Liffey Sewerage Scheme and provision of a watermain to connect to the existing public main at Shaw Bridge and associated works.

Planning Authority Reference D11/0457/Appeal Reference PL17.240405

- 4.10 10 permission granted by the Board in January 2013 for infrastructure works comprising the proposed section of distributor road which comprises a 7.3m wide carriageway with integrated cycleways, footpaths and landscaping together with all ancillary site development works.

Planning Authority Reference RA/150188/Appeal Reference PL17.246143

- 4.11 10 year Permission refused by the Board in July 2016 for a development comprising 200 residential units, public open space, including riverside linear park along the Rye Water River and a crèche. The development was to be facilitated by the permitted infrastructure permitted under ABP PL17.238370 and ABP PL17.239375. The reasons for refusal related to the fact that it was considered by the Board that the proposed scale of the development on the site and on the adjacent site would together bring the Kilcock housing allocation towards substantial completion as set out in the core strategy. Having regard to the scale proposed on both sites, it was considered that, in the absence of a school site adjacent to

the neighbourhood centre, the proposed development would fail to set out a coherent strategy for a co-ordinated, integrated and sustainable development of the lands.

Planning Authority Reference RA/150205/Appeal Reference PL17.246141 (Adjacent site)

- 4.12 10 year permission granted by the Board in June 2016 for a development comprising 152 new residential dwellings and public open space, including a linear park along the Rye Water River and a childcare facility. The development was to be facilitated by the permitted infrastructure permitted under ABP PL17.238370 and ABP PL17.239375. Note permission granted for 150 dwellings. Condition 3 stated:

“The proposed development shall not be occupied until:

(a) the entire flood protection measures set out in appeal reference numbers PL 09.238818, PL 17.238370, PL 17.239211, PL 17.239375, PL 17.239523, PL 17.239772 and PL 17.240405 have been completed to the written satisfaction of the planning authorities, and

(b) a detailed programme for the implementation of the entire distributor road and all piped services (including surface water and foul sewers and water mains) has been submitted to and agreed in writing with the planning authority.

Reason: To facilitate the orderly development of the Kilcock Environs area, to ensure that the flood management measures are completed in their entirety in a timely manner, and to ensure that the lands are properly serviced in the interest of public health.”

Planning Authority Reference RA/161443

- 4.13 10 year permission granted by Meath Co. Co. in October 2017 for a development comprising 187 no. residential dwellings and public open space, including a linear park along the Rye Water River and a childcare facility. The development was to be facilitated by the permitted infrastructure permitted under ABP PL17.238370 and ABP PL17.239375. Note: permission granted for 130 units. Condition 2 stated:

“Prior to the commencement of any development on the lands the subject of this application, the applicant shall submit for the written agreement of the Planning Authority a revised site layout plan with all residential development and the crèche located outside flood zones A and B as identified on the CFRAMS map published by the OPW dated the 21st November 2017. A total of 130 residential units and a revised crèche shall be provided within the agreed revised site layout plan areas. Any shortfall in public open space shall be provided for

within flood zones A and B.

Reason: Based on information contained on the CFRAMS Map published by the OPW referred to in the above condition the proposed development is partially located in an area which is at risk of flooding.”

Planning Authority Reference RA/170429 and RA/181517

4.14 Amendments to the approved development RA/151205/ABP PL177.246141 permitted in June 2017 and February 2019 respectively.

4.15 It is noted that a number of other applications for residential development have been granted in the Kilcock area in recent years. A consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 was made in respect of 332 units and a crèche at lands adjoining Brayton Park, Kilcock under An Bord Pleanála Reference PL09.302746.

5.0 National and Local Planning Policy

5.1 National Policy

5.1.1 Chapter 4 of the Framework addresses the topic of ‘making stronger urban places’ and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 13 provides that in urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Section 28 Ministerial Guidelines

5.1.2 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submission from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- Design Manual for Urban Roads and Streets.

- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Childcare Facilities – Guidelines for Planning Authorities.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

5.2 Local Policy

Meath County Development Plan 2013-2019

5.2. The subject site is located in the administrative area of Meath County Council and the operative Development Plan is the Meath County Development Plan 2013-2019. Under the settlement strategy, Kilcock is identified as a Moderate Sustainable Growth Town.

5.3 It is detailed that the function of such towns is to serve the rural hinterland as market towns. It is also stated that they should develop in a self-sufficient manner and levels of growth should be balanced to ensure that any increase in population will be in tandem with employment opportunities, capacity in physical and social infrastructure and will not be based on long distance commuting. Economic development and service provision in these towns will be an important factor in determining the appropriateness of new housing. These towns need to provide a full range of services adequate to meet local needs, both within the town and in the surrounding rural catchment area, but not generate long distance travel patterns.

5.4 Objective SSOBJ11 states:

“To ensure that Moderate Sustainable Growth Towns develop in a self sufficient manner with population growth occurring in tandem with physical and social infrastructure and economic development. Development should support a compact urban form and the integration of land use and transport.”

5.5 The subject site is subject to three different zoning objectives. The majority of the site (14.6ha) contained in two different land parcels is zoned A2 (Phase II – Post 2019): *To provide for new residential communities with ancillary community facilities,*

neighbourhood facilities and employment uses as considered appropriate for the status of the centre in the settlement hierarchy. Two portions of the site comprising 9.1 ha are zoned F1: To provide for and improve open spaces for active and passive recreational amenities. 0.3 ha of the site is zoned G1: To provide for necessary community, social and educational facilities.

- 5.6 Under the Core Strategy, Kilcock is designated a household allocation of 398 units at an average net density of 35 units per hectare. The quantity of residential zoned land required is stated as being 11.4 hectares. CS OBJ5 seeks to ensure that the review of Town Plans and Local Area Plans to achieve consistency with the core strategy of Meath County Council Development Plan 2013-2019 will only identify for release during the lifetime of the Meath County Development Plan the quantity of land required to meet the household projections. The overall goal is to achieve a model of sustainable urban development through the promotion of an appropriate range of uses and sensitive enhancement of the natural environment where healthy, vibrant and diverse communities can grow. Under Objective SP3 it is detailed that lands identified with A2 “new residential” land use zoning objective but qualify as residential Phase 2 (post 2019) are not available for residential development within the life of the plan.

Kildare County Development Plan 2017-2023

- 5.7 Although located within the administrative area of Meath County Council, the following objectives of the Kildare County Plan and Kilcock LAP are noted. Under the Kildare County Plan, Kilcock is identified as a moderate sustainable growth town. It is stated that:

“These towns in the Metropolitan area will continue to have a strong role as commuter locations within the fabric of continued consolidation of the Metropolitan area. Future growth is related to the capacity of high quality public transport connections and the capacity of social and physical infrastructure. Connectivity to adjoining suburbs / towns and employment locations within the Metropolitan area is also a key requirement particularly focused on local bus / cycle/ pedestrian routes.”

- 5.7 It is detailed in the plan that by 2023, the new dwelling target will be 1,300 units. From 2023, the dwellings forecast is 3,514 units. Table 3.4 of the plan details the development capacity of identified housing lands in the county. While sufficient land

is zoned to cater for the housing demands of the county up to 2023 and beyond some Towns, Villages and Settlements have surplus capacity relative to the Core Strategy allocation and some have a shortfall. It is identified that Kilcock has a slight oversupply of zoned lands (equating to approximately 277 units).

Kilcock Local Area Plan 2015-2021

5.8 Under Policy CSO 1 it is stated:

“To monitor the scale, rate and location of newly permitted developments to ensure compliance with the core strategy with regard to population targets in order to achieve the delivery of strategic plan led and coordinated balanced development within the town.”

6.0 Forming of the Opinion

6.1 Introduction

6.1.1 Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant, the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

6.2 Documentation Submitted

6.2.1 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, Cover Letter, EIAR Briefing Note, Part V calculations and details, Planning Report, Statement of Consistency, Architects Report, Housing Quality Assessment, Infrastructure Design Report, Site Specific Flood Risk Assessment, Traffic and Transport Assessment Report, DMURS Design Statement, Landscape Development Report, Pre Connection Enquiry Correspondence from Irish Water, Architectural Drawings and Schedule of Drawings, Correspondence to Prescribed Bodies, Engineering Drawings and Landscape Drawings.

6.2.2 Section 5(5)(b) of the Act of 2016 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 as follows:

- Note that a considerable amount of infrastructure works required as part of previous applications adjoining the site have been carried out and will facilitate the development of the subject lands. These works include:
 - A new roundabout on the Maynooth Road (R148) along with a pedestrian walkway provided to the Railway Station in Kilcock.
 - A new junction constructed on the R125 linking the development site to Kilcock Town Centre.
 - A new distributor road linking the R148 and the R125 that is due to be completed within the next 6 months.
 - Foul and water connections and flood alleviation works have been completed to enable the development of these lands for residential use.
 - Construction of a greenway linking the subject sites to Kilcock Town Centre to the west and Maynooth to the east.
- State that the development is a material contravention of the Meath County Development Plan with regard to phasing. The subject lands are zoned Residential Phase II (Post 2019) that restricts the development of the lands within the lifetime of the current Development Plan. Consider that the development provides an opportunity to facilitate residential development on a suitable site that is fully serviced as a result of infrastructure works carried out by the applicant, is within walking distance of transportation links, is within the urban area of Kilcock Village and is part of the Metropolitan Area. Considers that the Meath Co. Plan includes conflicting objectives in relation to the zoning of these lands as Phase II.
- Considers that the development is consistent with the objectives of the NPF and will create a high quality residential development that will successfully

integrate with the existing established residential community. The development aims to achieve a balance between density and open space.

- The development is spatially sequential in Kilcock, due to its ability to deliver the necessary infrastructure and homes as part of a comprehensive development proposal. It represents a contiguous site to existing developed lands to the south of the proposed development.
- Kilcock is identified as a Moderate Growth Town and has a population in excess of 6,000 people. Having regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, net densities in the range of 35 – 50 units per ha are considered appropriate on outer suburban greenfield sites. In this context, a density of 40.3 units per ha is considered acceptable.
- The site is located within 1km of the town centre ensuring that the residential development will be easily accessible to employment and community services and, therefore, part of a sustainable settlement.
- The application site is accompanied by a Site Specific Flood Risk Assessment which demonstrates that the proposed development is acceptable in flood risk terms.
- The dwellings and apartments are designed in accordance with the relevant qualitative and quantitative standards.
- There is adequate capacity in local schools and there is a proposal to develop a new school in close proximity to the site.
- A high standard of open space is provided for throughout the development. All open spaces are overlooked to enhance local passive security and to create a sense of local ownership. Children's play areas are provided.
- The development will range in height from two to four storeys. Given Kilcock's status as a Moderate Sustainable Growth Town and proximity to public transport infrastructure, the proposed heights are considered appropriate for this location.
- Consider that the development is consistent with the 12 criteria set out in the Urban Design Manual.

- The development is compliant with DMURS. It has been designed with careful consideration for pedestrians and cyclists.
- A crèche is provided in accordance with the Guidelines for Planning Authorities on Childcare Facilities.
- The development is consistent with the zoning objective pertaining to the site under the County Development Plan and is in accordance with the policies and objectives of the plan. Notes that under Strategic Policy 1, the sustainable development of the Kilcock Environs in a comprehensive manner which will integrate with the existing built up area of Kilcock Town is encouraged. Consider that the development will deliver a compact form of development in accordance with this policy.

6.3 Planning Authority Submission

Planning Opinion

- Note that the housing allocation for 2013-2019 is 398 units. The subject lands are not included within Phase 1 in the Order of Priority for Kilcock Environs. They are identified as A2 lands and the Strategic Policy SP3 (ii) states “*The lands identified with an A2 ‘New Residential’ land use zoning objective but qualified as ‘Residential Phase II (Post 2019)’ are not available for residential development within the life of this Development Plan*”.
- Sets out an overview of residential lands in Kilcock. Of the core strategy allocation of 398 units, there are 280 extant units, of which 105 have been completed or under construction. C. 2ha of Phase 1 lands have no extant permission and a density of 35 units per ha would yield 70 units. Including the extant units, the total potential capacity of the Phase 1 lands would be 350 units, leaving a balance of 48 units.
- Refer to the Statement of Consistency and that the development is a material contravention of the plan. Note however, that Kilcock is within the boundary of the Dublin Metropolitan Area and the Metropolitan Area Strategic Plan (MASP) which forms part of the Regional Spatial and Economic Strategy for the Midlands and Eastern Region requires that population targets for the city and the metropolitan key towns should be agreed within 6 months of the publication of the RSES to inform the preparation of the core strategies for the relevant city

and county development plans.

- As the RSES was only published in May 2019, the matters contained within the MASP and core strategy are only currently being considered as part of the County Development Plan review. Meath Co. Co. strongly supports the development of multiple residential schemes within the settlements of Dunboyne, Maynooth and Kilcock having regard to their location within the Metropolitan Area and the current national need for housing delivery.
- Recommend that the applicant submit a Design Statement with the planning application. With regard to density, state that the question of its appropriateness should be determined by spatial planning and architectural design criteria. It is considered that the proposal provides a good mix of dwelling types/design throughout the development. Further consideration should however, be given to the overall scale of the proposed development together with existing development in terms of Character Areas and the differentiation between each area which could be further developed through streets hierarchy, homezones and various designs and finishes at the micro local level.
- Clarification is required in relation to boundary treatments. The PA would encourage a durable material to all boundary treatments and timber fences to rear gardens are not favoured.

Part V and Taking in Charge

- Request a condition re: Part V. Development should be carried out in accordance with Meath Co. Co. Taking in Charge policy document.

Childcare Facility

- The application should be referred to the Meath County Childcare Committee.
- The Board should satisfy themselves that there are adequate educational facilities in place to cater for the future needs of the population.

Other

- Public art should be incorporated into the development.
- The estate name should be approved by Meath Co. Co.

- An appropriate level of broadband infrastructure should be provided to serve the development.

Appropriate Assessment

- Having regard to the scale of the proposal and the direct hydrological link to the Rye Water Valley/Carton SAC, the Board should consider the requirement for an NIS.

Other Technical Reports

Transportation Section

- The proposed trip rate for residential houses and crèche land uses appear to be acceptable and whilst the trip rate for apartments appear to be of low order, given the availability of both bus and train services within 10 mins walking distance of the proposed development site and the availability of the greenway connecting to the nearby university town of Maynooth, they are also considered acceptable. Applicant is requested to provide full TRICS input and output results as part of the TTA submission for planning application stage.
- For the junction assessment, the applicant should provide all traffic flow diagrams detailing traffic assignments, distribution, re-distribution and associated traffic movements for all scenarios in addition to full capacity analysis input and results to allow for full review. Further technical design detail also required for the northern site junctions. Zebra crossings should be provided on all arms of the proposed roundabout access junction on the southern site. Further technical design detail of this junction also required. Swept path analysis should be undertaken at all key locations.
- Note that the transition points for cyclists from on street cycling to off street segregated cycling facilities are not compliant with the National Cycle Manual and should be redesigned. The TTA should report on the capacity at each junction. Design of cross road junctions needs to be considered. Pedestrian desire lines are not catered for at junctions. One way streets should be omitted from the development. Further detail on bicycle parking is required, particularly for the duplex units. Details of construction phasing required. Stage 1 Road Safety Audit and Quality Audit required.

- The applicant identifies a street hierarchy. However, all streets appear to be of the same geometry and the same material type. There is no differentiation with regard to movement and place and there is concern that this will result in issues with legibility and way finding. Also concern that the street layout does not comply with DMURS. All streets are 5.5m wide. In terms of Link Streets, it is suggested that the applicant increase the street width to 6m and consider the requirement for cycle facilities. In terms of the Quiet Mews Like Streets (Homezones), the street width should be reduced to 4.8m with an adjacent 1.2m wide pedestrian safe zone.
- Concern regarding location of local parks located on the main Link Streets through the site from a road safety perspective, particularly for children. Applicant should consider the re-location of such parks along lower street classifications such as Local Streets and the Quiet Mews Like Streets. There are also a number of streets which appear to be excessively long where no form of speed control is implemented.
- Clarity required regarding the provision of pedestrian and cycle provision along the R125 and Moyglare Road, particularly in relation to facilities for cyclists, extent of road widening required, how works will be implemented and how facilities tie in with the R125/Distributor Road junction and onwards to the town centre. The applicant should also investigate how pedestrian and cycle routes can be integrated within the proposed school site.
- Consider that there is an opportunity to increase the permeability of the site and improve road safety through consideration of providing a link road connecting the internal roundabout, aligning the Distributor Road, which is currently proposed to provide access to the northern section of the southern site, with the Moyglare Road. The applicant should submit details of a road alignment linking the internal roundabout of the Distributor Road with the Moyglare Road. This link should include segregated pedestrian and cycle facilities similar to those along the Distributor Road and form a safe and appropriate junction with the Moyglare Road. The proposed southern site should be amended to integrate with this link road with a separate priority access junction whilst the GAA playing field should also be accommodated with a separate access.
- The proposed co-sharing of access to the GAA Grounds with the northern

section of the southern site is considered undesirable in terms of road safety, parking and the associated impact that this would have on adjacent future residents. An assessment of parking should be undertaken to determine the likely required parking accumulation associated with the GAA Playing Fields and amend provision as appropriate.

- The provision of a parallel street directly adjacent to the distributor road is undesirable, provides an excessive extent of road and street pavement, represents a poor use of land and reduces overlooking and passive surveillance of the Distributor Road.
- Future amenity walkways should be provided for as part of the development and connection points from the pedestrian routes within the development should be provided to connect with these. In particular, the link between the northern site and the permitted development immediately south of the distributor road is important as this will connect with the permitted path through the permitted development and onto the pedestrian and cycle facilities along the R148 which provide good quality connections towards the town centre and Lidl. All links that are proposed should be clearly identified.
- Request that quantum of parking is set out in a clear and logical table.
- Special levy of €140,000 sought towards the cost of a footpath and cycle link to the northern side of the development along the Moyglare Road to the R125 should be applied.

Public Lighting

- Request condition regarding public lighting.

Water Services

- The provision of storage volume within private property including within subsurface permeable paving is not acceptable. The applicant should submit a revised design which accounts for roof water drainage at 100% and permeable paving areas draining at 50%.
- The application of an allowance of a storage volume of 0.3m³ per linear metre of stone storage in the filter drainage is deemed inappropriate. Consider the proposed attenuation storage undersized.

- The proposal for using a detention basis for the storage of all design year events is not acceptable. Underground storage shall be provided for the volume that equates to the 1 in 30 year flood event for the entire site.
- The applicant shall provide ground investigation results of the site for each of the proposed attenuation areas. The opportunity for onsite infiltration shall be maximised. Details of swales to be provided.

Waste Management/Environmental Protection

- Recommends a number of conditions regarding waste management.

Conservation Officer

- The application fails to recognise that national monuments sit on the proposed site. No archaeological reports/tests/desktop studies have been carried out. The ring ditches have not been incorporated into the design and houses are sited on top of them. The application cannot be assessed without additional information being submitted in this regard. Recommend that archaeological studies be carried out on the site.

Environment Section - Flood Risk

- The development site is partially situated in Flood Zone A where the probability of flooding is greater than 1% from fluvial flooding (high risk) and also in Flood Zone B where there is a medium risk of flooding. The extent of these zones are not clear from the submission as a flood zone map has not been submitted. It is likely that at least some of the proposed housing development including north of the Upper Drainage Ditch is situated in Flood Zone B. No justification test has been submitted to justify this development and consider that one is required in this instance. Note that no details of site levels and cross sections to indicate development levels relative to sources of flooding and likely flood water levels have been submitted.

6.4 Prescribed Bodies

Irish Water (11.06.2019): To accommodate the development the applicant must extend the existing water network. The extension consists of approximately 800m of a 315mm water main and 500m of a 280mm main. No third party or statutory consents are required other than a road opening licence from the local authority.

6.5 Consultation Meeting

6.5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 20th of June 2019, commencing at 2.30 PM. 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.

6.5.2 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. **Principle of Development:** compliance with the phasing requirements of the Meath County Development Plan and planning history of adjacent lands including RA/150205/Appeal Reference PL17.246141.
2. **Development Strategy:** with particular regard to overall site layout and architectural approach, proposed housing mix, house typologies, finishes and materials, distribution and layout of open space, road hierarchy and compliance with DMURS, creation of character areas, connections and permeability.
3. **Traffic and Transport:** with particular regard to road layout, access strategy, measures to address wider pedestrian, cyclist and public transport connectivity, interface with School and GAA site, car and bicycle parking.
4. **Residential Amenity**
5. **Drainage and Flooding**
6. **Archaeology**
7. **Crèche**
8. **Any Other Business**

6.5.3 In relation to the **Principle of Development**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The need to fully demonstrate that the development of the lands is not premature pending the publication of a variation to the Meath County Development Plan to accord with the Metropolitan Area Strategic Plan (MASP) which forms part of the Regional Spatial and Economic Strategy for the Midlands and Eastern Region.
- The need to demonstrate that the subject lands are sequentially appropriate for development having regard to the extent of zoned land and extant permissions in the settlement of Kilcock as a whole, including those lands within the administrative area of Kildare County Council.
- The need to demonstrate the delivery of the infrastructure permitted under PL 09.238818, PL 17.238370, PL 17.239211, PL 17.239375, PL 17.239523, PL 17.239772 and PL 17.240405 including the flood protection measures and programme for the implementation of the entire distributor road as per the requirements of the Board under 3 Planning Authority Reference RA/150205/Appeal Reference PL17.246141.
- The timescale for the development of the school site and GAA lands.

6.5.4 In relation to the **Development Strategy** with particular regard to overall site layout and architectural approach, proposed housing mix, house typologies, finishes and materials, distribution and layout of open space, road hierarchy and compliance with DMURS, creation of character areas, connections and permeability, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The appropriateness of the overall layout of the development having regard to the proposed housing mix, approach to density and housing typology and design;
- The need to create a high quality living environment with a focus on quality of place making and defined character areas;
- The need to create an appropriate public realm;
- The need to create appropriate connections and permeability throughout the site;
- The need for the development to have an appropriate interface and integration with adjoining land uses particularly the school and GAA grounds;

- The disposition of open space provided and the need to develop an appropriate hierarchy of open spaces; surveillance of open spaces and ensuring the open spaces are well connected and integrated within the overall site; the need to create a better sense of enclosure around the public spaces;
- The need for a high quality landscape design having regard to the extent of open space within the site.
- Details of the finishes and materials for the proposed apartment blocks including suitability and durability; coherency in the use of materials across the whole development site and the need for greater variety.
- Road layout and design, the need for an appropriate hierarchy of streets and compliance with the principles of DMURS.

6.5.5 In relation to **Traffic and Transport**, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- The need to respond to the technical requirements of Meath Co. Co.
- Creation of a potential through route to the Moyglare Road;
- Works proposed to Moyglare Road and the R125 to facilitate future pedestrian and cyclist facilities and implementation of same.
- Road layout including roundabout access from distributor road, internal road layout including alignment of internal street parallel to the Distributor Road, access to crèche and GAA grounds.
- Pedestrian and cyclist permeability through adjacent lands.
- Parking strategy.
- Detailed design matters raised by Meath Co. Co.

6.5.6 In relation to **Residential Amenity** An Bord Pleanála sought further elaboration/discussion/consideration of the following: the potential impact of the development on the residential amenity of the existing dwellings located along the R125.

6.5.7 In relation to **Drainage and Flooding** An Bord Pleanála sought further elaboration/discussion/consideration of the following: the need to address the concerns of Meath County Council regarding the adequacy of the attenuation

measures; SUDS; the need for ground investigation results; the concerns of the Council that part of the subject site are located within flood zone A and B and flood history of adjacent lands; the need for a detailed Site Specific Flood Risk Assessment and Justification Test.

- 6.5.8 In relation to **Archaeology** An Bord Pleanála sought further elaboration/discussion/consideration of the following: the presence of recorded monuments on the site and the need to address these potential archaeological constraints.
- 6.5.9 In relation to the **Crèche** facility, An Bord Pleanála sought further elaboration/discussion/consideration of the appropriateness of the location of the crèche and justification of its size having regard to the catchment demand.
- 6.5.10 In relation to any **Other Matters**, An Bord Pleanála sought further elaboration/discussion/consideration of the following: Need for a Building Life Cycle Report. Appropriate Assessment, EIA, the need for consistency between all drawings.
- 6.5.11 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 '304422' 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.

7.0 **Conclusion and Recommendation**

- 7.1 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.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the Planning Authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

- 7.3 Having regard to all of the above, I recommend that **further consideration and/or possible amendment** of the documents submitted are required at application stage in respect of the following elements: justification for the development having regard to the zoning objective pertaining to the lands, architectural design and layout, internal road network and wider pedestrian and cyclist connections, compliance with DMURS, residential amenity, flood impact and archaeological response, which are set out in the Recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 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.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted requires **further consideration and**

amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Principle of Development

Further consideration of documents as they relate to the Principle of the Development including a detailed report setting out

- the full rationale for the development of these phase 2 lands;
- the appropriates of the subject lands for the scale of development proposed having regard to the position of Kilcock in the settlement hierarchy;
- demonstration that the subject lands are sequentially appropriate for development having regard to the extent of zoned land (including identified regeneration sites) and extant permissions in the settlement of Kilcock as a whole, including those lands within the administrative area of Kildare County Council;
- full details of the extent of infrastructure delivered to date to serve the subject area and compliance details as required under condition 3 of Planning Authority Reference RA/150205/Appeal Reference PL17.246141 regarding the flood protection measures and implementation of the entire distributor road.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Development Strategy

Further consideration of documents as they relate to the development strategy for the site, in particular the architectural approach and overall layout of the proposed development in relation to:

- The overall design approach to the site to ensure:
 - That an appropriate range of housing typologies and mix is provided and that a high quality living environment created with distinct character areas.

- That high quality materials and finishes are used throughout and a greater variety of house design provided.
 - The creation of an appropriate hierarchy of streets and full compliance with the principles of DMURS.
 - Appropriate connections and permeability to the adjacent school site and through adjoining lands and the town centre.
 - That the development of excessively long streets with homogenous housing typologies is avoided.
 - That the apartments are appropriately sited.
 - That a high quality landscape strategy for the site is provided.
- The configuration of the layout particularly as it relates to the creation of a hierarchy of high quality, functional and amenable public open spaces with maximum surveillance, appropriate enclosure, children's play, amenity and pedestrian connectivity should be given further consideration.
 - The documentation at application stage should clearly indicate how the 12 criteria set out in the Urban Design Manual which accompanies the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the Design Manual for Urban Roads and Streets have been complied with.
 - The location and disposition of apartments and dwellings on the northern site adjacent to existing residential development along the R125 should be considered having regard to the amenities of these existing dwellings.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

3. Traffic and Access

Further consideration of documents as they relate to:

- The design and layout of the internal road layout including measures to omit parallel roads to the distributor road;
- Access and parking arrangements to serve crèche and GAA lands;

- Pedestrian and cyclist connectivity to the wider area including future linkages to the school, GAA lands and Kilcock Town Centre. This should include detailed design proposals along the R125 from the site to the town centre.

Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Surface water management and Risk of Flooding

Further consideration of documents as they relate to surface and storm water management for the development lands. This further consideration should have regard to the requirements of the Local Authority in respect of surface water treatment, attenuation and disposal and SUDS measures proposed for the scheme. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices') and include hydraulic modelling, mapping indicating the full extent of flood zones on the site, site levels and cross sections to indicate development levels relative to sources of flooding and detailed justification test. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

8.3 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Detailed Archaeological Impact Assessment.
2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings and duplex units, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long term management and maintenance of the proposed development.

3. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
4. A Traffic and Transport Assessment (to include Road Safety Audit and Quality Audit) for the proposed development.
5. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets.
6. Childcare demand analysis and the likely demand for childcare places resulting from the proposed development.
7. Landscaping proposals including an overall landscaping masterplan for the development site. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
8. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
9. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand. Clarity to be provided regarding the development of a school on the wider landholding.
10. A construction and demolition waste management plan.
11. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals and Part V provision.
12. Appropriate Assessment screening report and if appropriate a Stage 2 Natura Impact Statement.
13. A detailed report outlining the proposed works to be undertaken to the R125 in terms of pedestrian and cycle facilities, public lighting and any road upgrade works necessary to facilitate the development and provide for appropriate connections to the wider area. The report should also detail who is going to

undertake the works required and the timelines involved relative to the construction and completion of the proposed development. Details of areas to be taken in charge should be detailed.

8.4 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. National Transport Authority.
2. Irish Water
3. Transport Infrastructure Ireland
4. Minister for Culture, Heritage, and the Gaeltacht
5. Heritage Council
6. An Taisce – the National trust for Ireland
7. Kildare County Childcare Committee

PLEASE NOTE:

8.5 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.

Erika Casey

Senior Planning Inspector

June 2019