



An  
Bord  
Pleanála

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

### Inspector's Report on Recommended Opinion ABP-304549-19

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<b>Strategic Housing Development</b>	500 no. dwellings (356 no. houses, 144 no. apartments), creche and associated site works.
<b>Location</b>	Millennium Park, Osberstown (townland), Naas, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Glenveagh Homes Ltd.
<b>Date of Consultation Meeting</b>	10 <sup>th</sup> July 2019
<b>Date of Site Inspection</b>	5 <sup>th</sup> July 2019
<b>Inspector</b>	Una O'Neill

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## 1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The subject site (14.3ha in area) is located in the northwest quadrant of Naas, approx. 2km to the northwest of Naas town centre, and currently exists as green field lands, in agricultural use. The area in which the site is located is known as Millennium Park. Access to the site is from an existing roundabout off the Millennium Park Ring Road (distributor road), which forms the western boundary of the site. To the immediate north, south and east of the site are green fields. To the northwest and west of the site, on the other side of the Millennium Park Ring Road, are a Volvo distribution centre and the Kerry Group headquarters. The M7 motorway is further west of the lands and a new interchange is currently under construction, which is to be accessed from the roundabout north of the subject site. Approx. 400m southeast of the site across the neighbouring green fields is the Carragh Court Housing development, which currently forms the northwestern edge of Naas town centre.
- 2.2. The topography of the site is relatively flat. The boundaries are defined by trees/hedgerows with a watercourse to the southern boundary. There is an Irish Water wayleave through the site. Our Lady and St. David's Church within Naas town centre is clearly visible from the site.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 500 residential units together with a childcare facility (c. 611sqm in area) and four retail units (262 sqm each; 1048sqm in total).
- 3.2. The following details are noted:

Parameter	Site Proposal
Application Site	14.3ha gross.
No. of Units	500 residential units (356 houses and 144 apartments).
Density	35 units/ha.
Height	2 storey dwellings; 3 storey duplexes; 3 apartment buildings 4-5 storeys in height.
Other Uses	Childcare facility (611 sqm) and 4 retail units (approx. 262 sqm each) .
Parking	848 car parking spaces (588 for houses; 115 for apartments; 53 for duplexes; 61 for retail and live/work units; 31 for crèche).  225 bicycle parking spaces (144 for apartments; 9 for crèche; 72 visitor cycle spaces).
Vehicular Access	From existing roundabout off Millennium Park Ring Road. Provision made for future vehicular and pedestrian connections to surrounding greenfield lands to north, south and east.

- 3.3. The breakdown of unit types is as follows:

Unit Type	Studio	1 bed	2 bed	3 bed	4 bed	Total
<b>Apartments</b>	15	24	65			104

<b>Duplex</b>			20	20		40
<b>Houses</b>			163	181	12	356
<b>% Total</b>	3%	4%	49.6%	40.2%	2.4%	500

## 4.0 National and Local Planning Policy

### 4.1. National Policy

#### 4.1.1. Project Ireland 2040 - National Planning Framework

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Planning Objective 13: In urban areas, planning and related standards, including, in particular, 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.
- National Policy Objective 27: 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.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

#### 4.1.2. Section 28 Ministerial Guidelines

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 following policy documents and Section 28 Ministerial Guidelines are relevant:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.

## 4.2. Regional Policy

### 4.2.1. Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly (June 2019):

- Naas is a designated Key Town in the Core Region.
- Definition of Key Town: Large economically active service and/or county towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.
- Naas – Residential Development: '...The sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric'.
- Regional Policy Objectives:
  - RPO 4.48: Promote the improvement of the transport network within and serving Naas town, including delivery of a robust and efficient walking, cycling and bus network with strong links to Sallins Railway Station, key destinations within the town and to the North West Quadrant and town centre area.

RPO 4.49: Support the development of the Grand Canal for amenity, recreation and sustainable transport purposes including the Naas to Sallins and Naas to Corbally harbour greenways and linking these to the national Grand Canal Greenway.

RPO 4.50: Regeneration and consolidation of the historic centre to improve the retail and commercial functions of the town core, with enhanced permeability and sustainable mobility within the town centre and improve links between the core and surrounding residential and employment areas through the further development of walking and cycling routes and improved public transport.

RPO 4.51: Strengthen the local employment base including through the development of MERITS, Millennium Park in the North West Quadrant and the regeneration of underutilised lands including industrial lands in the north east of the town.

RPO 4.52: Support the delivery of new and enhanced public transport infrastructure in Naas and Sallins, including Park and Ride and interchange facilities as identified by the NTA and Kildare County Council.

RPO 4.53: Support an enhanced role and function of Naas as the County town of Kildare, particularly as a hub for high quality employment, residential and amenities.

#### 4.3. Local

##### 4.3.1. Kildare County Development Plan 2017-2023

- Naas is a designated Large Growth Town, in the Hinterland Area.
- Settlement Strategy, Section 3.4.6: All towns, villages, settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance. Zoning shall extend outwards from the centre of an urban area with strong emphasis placed on encouraging infill opportunities.
- SO9: Sequentially develop lands within towns and villages in accordance with Development Plan Guidelines (DEHLG, 2007).

#### 4.3.2. Naas Town Development Plan 2011-2017

- Naas Town Council was dissolved on 1st June 2014. Section 11C of the Planning and Development Act 2000 was amended and inserted by Section 28 of the Electoral, Local Government and Planning and Development Act 2013. This section provided that a Development Plan prepared by a dissolved town council shall continue to have effect to the extent provided by that plan, to be read together with the County Development Plan and shall be reviewed in accordance with Section 9 as that applies to the County Development Plan.
- Zoning Objectives in Town Plan relating to the subject site:
  - Zoning Objective C: New residential – to provide for new residential development.
  - Zoning Objective G: Urban Village – to provide for a mix of uses including retail, community and social facilities for the population of the Northwest Quadrant of Naas and to support and complement the attractiveness of the area as a major centre for high quality employment.
- LU1: To ensure that a logical and sequential approach is adopted for development within the Naas Town Plan area (ie prioritising the development from the core area outwards).
- RP03: To provide for a new road from the Caragh Road (in the vicinity of the Poopluck Bridge) via zoned lands to the end of the boundary of the Northwest Quadrant Masterplan Lands.
- There are a number of policies within the Town Development Plan relating to residential development.

#### 4.3.3. Draft Naas Local Area Plan 2019-2023

- A draft Local Area Plan (LAP) for Naas was published on the 18th April 2019.
- Zoning Objectives in Draft LAP relating to the subject site:
  - Q2(4): Enterprise and Employment – To facilitate opportunities for employment and enterprise uses including manufacturing, research and development, light industry, employment and enterprise related uses



within a high quality campus / park type development. [New dwellings not permitted in this zoning under the Land Use Zoning Matrix]

- C2(21): New residential – To provide for new residential development.
- URD2.6: Prepare a Masterplan for the Northwest Quadrant subject to the consideration and specifications outlined in Section 8.6 to ensure that any development within the Northwest Quadrant takes place in a phased, co-ordinated and integrated manner. The Masterplan may be incorporated into the LAP by way of an amendment or by agreement with the local authority.
- SPO1.7: Northwest Quadrant Link – Strategic route linking Naas to the environs of Sallins Railway Station via the Millennium Park Link Road and serving employment and residential areas in the Northwest Quadrant....The feasibility and function of this link is to be determined in the Naas Transport Strategy.

## 5.0 Planning History

Current application before Kildare County Council on a portion of the appeal site:

19/646 – Permission sought by Glenveagh Homes Ltd for development of 98 no. dwellings, a crèche and ancillary development at a site (c. 3.1 ha). Decision Date: 01/08/2019.

North of the Site:

16/434 – Permission granted for a 1000 pupil post-primary school. (Construction has not commenced on this site).

West of the Site:

14/500016 – Permission granted to Osberstown Developments Ltd for a petrol filling/service station. This development has been constructed and is operational.

## 6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning

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

## **6.1. Documentation Submitted**

- 6.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017.
- 6.1.2. This information included, inter alia, a Completed SHD Application Form, Housing Mix Statement, Housing Quality Assessment, Statement of Consistency with Planning Policy, Urban Design Statement, Site Specific Flood Risk Assessment, Infrastructure Design Report, Traffic and Transport Assessment, Utilities and Energy Sustainability Report, Waste Management Plan, Arboricultural Report, Landscape Masterplan, Proposed Site Lighting Report, Social Infrastructure Assessment, Bat Assessment, Environmental Report, and AA Screening Report.
- 6.1.3. I have reviewed and considered all of the documents and drawings submitted.

## **6.2. Planning Authority Submission**

- 6.2.1. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 25<sup>th</sup> June 2019.
- 6.2.2. Kildare County Council's opinion included a description of the site and proposed development, planning policy context, planning history, and an assessment of the proposed development. The content of the report is summarised as follows:
  - Planning Policy Considerations: Reference is made to the recently adopted Regional Spatial and Economic Strategy which identifies Naas as a Key Town and sets out a number of Regional Policy Objectives with references to the Millennium Park Lands in the Northwest Quadrant of Naas. Naas Town Development Plan 2011-2017 is referenced as the extant plan with the relevant policies and objectives quoted. Reference is also made to the

recently published Draft Naas Local Area Plan 2019-2023, the proposed zonings as they relate to the application site and overview of the policies and objectives as they relation to the Northwest Quadrant of Naas and the Millennium Park. A Transport Strategy for Naas is due to be published in draft form in September 2019.

- Principle of Development: Concerns are raised in relation to the isolated and peripheral nature of the site and it is considered the proposal is contrary to Objective SO9 of the Kildare County Development Plan. Consideration is given to the draft Naas Local Area Plan, where the zoning objectives are proposed to be altered and the proposed development would contravene those zonings on the Q zoned lands. The PA considers the proposal premature pending the adoption of a Masterplan for the Northwest Quadrant of Naas, as required by the Draft LAP. The proposal is also premature pending the finalisation of the Naas Transport Strategy.
- Density/Unit Mix: Density at 38 units per hectare is generally acceptable. The proposed housing mix is generally acceptable.
- Design and Character Areas: Further detail in relation to placemaking and the design of each character area is required. Revisions to the design of the proposed apartment blocks would improve the quality and uniqueness of the development.
- Public Open Space and Landscaping: Arboricultural assessment of trees and hedgerows is required, with further information on trees/hedgerows to be retained and a tree protection plan. Additional passive surveillance of open space is recommended in certain areas of the scheme. Elaboration on the hierarchy of open spaces is required with additional smaller areas recommended. There are opportunities to maximise on views of Our Lady and St. David's Church in Naas and the Dublin Mountains.
- Archaeological Assessment: A full report is recommended at application stage.
- Transportation Issues: Concerns raised in relation to the Spine Road. The location of this road has been amended as part of the draft Naas Local Area Plan. The proposal is being considered without due regard to the wider

Millennium Area and could have implications in terms of the road, footpath and cycle network. The Transportation Department considers it inappropriate that the lands are developed without a masterplan for the Millennium Park lands.

- Water Services: Further consultation with IW and KCC drainage required. Regard should be had to where the proposed overhead utilities are to be undergrounded and impact on sewers, watermains, and maintenance issues.
- Part V: Requirements to be agreed with the planning authority.
- Conclusion: The Planning Authority considers the proposed development is premature and would be contrary to the proper planning and sustainable development of the area.

## 7.0 The Consultation Meeting

7.1. A Section 5 Consultation meeting took place at the offices of Kildare County Council on the 10th of July 2019, commencing at 11.30 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.

7.2. 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 with regard to Naas Town Development Plan 2011-2017 and draft Naas Local Area Plan 2019-2023.
2. Development strategy to include density, layout, open space, public realm, permeability, phasing and integration with adjoining lands.
3. Traffic and transportation.
4. Site services and flood risk.
5. Any other matters.

### Principle of Development

7.3. ABP representatives sought further discussion in relation to the principle of development with regard to the extant Naas Town Development Plan 2011-2017 and draft Naas Local Area Plan 2019-2023. ABP representatives sought further

discussion/elaboration on the strategic context of the site, with reference to the RSES and their RPOs, and query over the justification for the release of these isolated lands for the delivery of a predominantly residential development of scale in a green field setting, with limited connections to Naas Town Centre and a lack of a high quality public transport service.

### **Development Strategy**

- 7.4. In relation to the Development strategy for the site, ABP representatives sought further elaboration on the urban design and layout proposed, public realm, legibility and creation of a sense of place, and connectivity with adjoining lands and planned road networks, with specific regard to the 12 criteria set out in the Guidelines on Sustainable Residential Development.

### **Traffic and Transportation**

- 7.5. ABP representatives sought further elaboration in relation to proposed transport strategy for Naas and on connections to the adjoining lands.

### **Site Services and Infrastructure**

- 7.6. ABP representatives sought further elaboration on water services infrastructure for the site, location of Irish Water wayleave and its associated requirements.

### **Any Other Matters**

- 7.7. In relation to Any Other Matters, ABP representatives indicated an EIAR is required.

### **Submission from Irish Water**

- 7.8. A submission from Irish Water states they have issued a Confirmation of Feasibility for this development. The following is stated:

- The applicant must extend the wastewater network by either 450m or 570m (depending on the connection point) to accommodate this development... A road opening licence will be required from the local authority.
- Connection to Irish Water Infrastructure is via privately owned sewers which will require permission from the owner and will be subject to a Self Lay Connection agreement with Irish Water.
- Part of Irish Waters Upper Liffey Valley S2B pipeline from Naas is going through these lands which have been subject to CPO by Irish Water. The

CPO was confirmed in January of 2019... Irish Water will require wayleaves and appropriate setback distances for the proposed Irish Water pipeline through the development land to be registered/maintained.

7.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-304549-19' 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. 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.

8.2. 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.

8.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.

8.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act requires **further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

8.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9.0 **Recommended Opinion**

9.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

9.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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

1. Further consideration of documents as they relate to the RPOs as set out in the RSES for the Eastern and Midlands Regional Assembly, specifically where they relate to the residential development of Naas, transport network and public transport infrastructure for Naas, and vision for the Millennium Park Area of Naas as an employment base. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

2. Further consideration of documents as they relate to compliance with the Kildare County Development Plan 2017-2023 and extant Naas Town Development Plan 2011-2017, with specific regard to the requirement for a sequential approach to development. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
3. Transportation Network - Further consideration of documents as they relate to the delivery and timing of road infrastructure in the wider area including connectivity of the proposed development to the urban centre having regard to the planning authorities submission that the development is premature pending the publication of a transport strategy for Naas (to be finalised Q4 2019, see PA Opinion dated 24<sup>th</sup> June 2019). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.
4. Design and Layout - 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 Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; connectivity with adjoining lands; hierarchy of quality, usable open space and the creation of character areas within a high quality scheme with particular reference to the entrance to the development from the Millennium Park Ring Road, should be given further consideration. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted. 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. Additional details in relation to streets and connections to adjoining lands, having regard to the report of the Transportation Division of Kildare County Council which highlights the impact of the proposed new interchange on the M7 on roads objectives in this area (see Transportation Department Report accompanying the PA Opinion dated 24<sup>th</sup> June 2019).
2. A plan detailing the hierarchy and function of public open space across the site.
3. Viewsheds from the proposed development to Our Lady and St. David's Church in Naas and the Dublin Mountains, in addition to Cross-sections/CGIs/visualisations and any other information deemed relevant, showing proposed development from the surrounding area.
4. A detailed phasing plan in relation to the development.
5. Additional details in relation to surface water management and flooding, having regard to the requirements of the Drainage Division as outlined at the tripartite meeting held on 10<sup>th</sup> July 2019, including surface water management proposals and consideration of the stream to the south of the site.
6. Ecological Survey of existing trees and hedgerows which clearly identifies all trees/hedgerows proposed for removal and measures to ensure protection of those proposed to be retained as part of the development.
7. Details of proposed materials/finishes.
8. Waste management details.
9. 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, with the avoidance of any 'ransom strips'.
10. A Building Lifecycle Report, as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
11. A schedule of floor areas for all proposed units.

## 12. Site Specific Construction and Demolition Waste Management Plan.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Inland Fisheries Ireland
2. Irish Water
3. Transport Infrastructure Ireland
4. Minister for Culture, Heritage and the Gaeltacht
5. The Heritage Council
6. An Taisce
7. HSE
8. Kildare County Childcare Committee

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.

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Una O'Neill  
Senior Planning Inspector

29<sup>th</sup> July 2019

