



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-304616-19

Strategic Housing Development

313 no. residential units, creche and associated site works

Location

Naas West, Devoy Link Road, Naas, Co. Kildare.

Planning Authority

Kildare County Council

Prospective Applicant

Cairn Homes Properties Ltd.

Date of Consultation Meeting

10th July 2019

Date of Site Inspection

10th July 2019

Inspector

Sarah Moran

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 site is located on the south western outskirts of Naas, within 750m of Main Street and c. 2 km east of the M7 Junction 10 Naas South. It is accessed via the recently constructed Devoy Link Road, which serves zoned lands north of the Naas Ring Road R447 and connects to the R447 at a roundabout in front of the development site. This area has been undergoing a transformation from agricultural lands to suburban residential with developments north and south of the R447. There are recently constructed residential schemes to the north west of the development site including Elsmore, also in the ownership of the prospective applicant, along with lands south of the R447. The subject proposal is described as 'Elsmore Phase 2' in the documentation on file, with Phase 1 of same to be completed July 2019.
- 2.2. The site comprises two parcels of land, Area A, c. 7.07 ha and Area B c. 1.47 ha, former agricultural lands located to the east and west of the Devoy Link Road respectively, on an overall site of c. 8.54 ha. Area A, to the east, is bound to the east by Rathasker Road, a narrow laneway leading to the centre of Naas that does not have direct access to the R447. There are trees and hedgerows along the southern and south eastern boundaries of Area A and field boundaries within the site. There are 2 dwellings and associated sheds in the eastern part of Area A, fronting Rathasker Road. The remainder of the Rathasker Road frontage is characterised by a dense hedgerow. The north west and south west corners of Area A slope significantly down towards Devoy Road. Area B, the western part of the site, is bound by the Yeomanstown Stream running along the western boundary, a tributary

of the River Liffey (also referred to as the Rathasker Stream). The Elsmore development adjoins Area B to the north and west and lands adjoining the Yeomanstown Stream have been landscaped as an amenity area.

3.0 Proposed Strategic Housing Development

3.1. The development involves 313 no. residential units as follows:

Unit Type	No. of Units	%
Apts		
1 bed	51	16%
2 bed	45	14%
3 bed	8	3%
Houses		
2 bed	14	4%
3 bed	161	51%
4 bed	34	11%
Total	313	

The development has a stated residential density of c. 38.5 units / ha. This is based on a net site area of c. 8.12 ha, which excludes the main internal distributor road and the landscaped buffer at the Yeomanstown Stream. Area A, east of the Devoy Link Road, is laid out with 2 no. vehicular accesses from the Devoy Link Road north of the roundabout and pedestrian / cycle connections to Rathasker Road. Apartment Blocks 1 and 2 (4 storey) within Area A are close to the R447 frontage. Area B, east of Devoy Road, is accessed via an existing distributor road serving Elsmore from the Devoy Road. A 3 storey duplex block and Apartment Block 3 (4 storey), containing the creche, are located facing the Devoy Link Road. The western side of Area B incorporates the riparian zone of the Yeomanstown Stream and the northern side of Area B faces an associated public open space within Elsmore.

3.2. The scheme also includes:

- Demolition of existing houses and agricultural sheds;
- Open space of c. 1.35 ha including play areas, landscaping, public lighting, ancillary works and boundary treatments including regrading / reprofiling of site and incorporating the Yeomanstown Stream, also provision of cycle paths and pedestrian connections to Rathasker Road;
- Creche on ground floor of Block 3 in Area B with associated play area (610 sq.m.), to cater for c. 122 no. children;
- The Rathasker Road is to become a Greenway with pedestrian and cycle connections from Area A;
- 566 no. car parking spaces and 171 no. cycle parking spaces including bin / cycle store in Area B;
- Surface water attenuation measures and ancillary site works including connection to existing attenuation systems serving Devoy Road for Area A and Elsmore Phase 1 for Area B, also SUDS measures;
- Foul water connection, to discharge to the Osberstown WWTP;
- Connection to existing watermain in Devoy Road;
- Part V proposals comprising transfer of 4 no. maisonette blocks within Area A containing 16 no. 1 bed apartments;
- The applicant intends to submit an EIAR with the application having regard to the overall combined size of the Elsmore Phase 1 and Phase 2 sites at 16.79 ha and the combined total of 503 units between the 2 phases.

4.0 Planning History

4.1. Reg. Ref. 09/500050 PL73.236928 and Reg. Ref. 15/955

- 4.1.1. Relating to a 9.17 ha site including part of Area B within the development site. Permission granted for a residential development of 86 houses, 147 duplex units, 75 apartments, creche and basement / surface car parking. The development included the construction of the Devoy Link Road in accordance with development plan objectives. A total of 275 no. residential units were granted. Extension of duration was granted in February 2016 under 15/955, to expire 29th November 2020. Part of

this permission has been carried out as the Elsmore development including the construction of the Devoy Link Road.

4.2. SHD Application ABP-303023-18 Lands at Bluebell, Naas

- 4.2.1. Permission granted by ABP for 125 no. residential units, extension of access road permitted under reg.ref:15/848 (PL09.246859) and associated site works at lands off the Kilcullen Road on the southern side of Naas, which are substantially zoned 'Objective C' within the Naas Town Development Plan 2011-2017.
- 4.2.2. The Inspector's report considered Legal Opinions submitted by both the applicant and the planning authority in relation to the status of the Naas TDP 2011-2017. No new Plan had been adopted since 2017. Counsel Opinion from Suzanne Murray BL, submitted on behalf of the applicant, stated that the Naas TDP continues to have effect in respect of the zoning of the land in the functional area of the dissolved Naas Town Council and will continue to do so until the current Kildare County Development Plan is reviewed. Accordingly, the lands are still zoned residential. The Opinion also states that this position is consistent with the approach adopted by the Board in determining appeals in respect of developments located within other dissolved town councils. Counsel Opinion submitted on behalf of the planning authority generally concurred with that of the applicants and concluded that, notwithstanding the stated life span of the Naas Town Development Plan 2011-2017, it did not expire at the conclusion of that period. Consequently, unless a new Development Plan or LAP is made in respect of the Naas area, the zonings ascribed to land in the Town Development Plan continue to apply. The Inspector's Report concluded that that the lands are zoned for residential development and that the development therefore fell within the definition of SHD, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

5.0 National and Local Planning Policy

5.1. Section 28 Ministerial Guidelines

- 5.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual);
- Design Standards for New Apartments – Guidelines for Planning Authorities;
- Design Manual for Urban Roads and Streets (DMURS);
- The Planning System and Flood Risk Management (including the associated Technical Appendices);
- Childcare Facilities Guidelines for Planning Authorities;
- Urban Development and Building Heights – Guidelines for Planning Authorities;
- Guidelines for Planning Authorities Retail Planning

5.2. Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy

- 5.2.1. Naas is designated as a Key Town in the Core Region in the RSES settlement strategy:

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.

The following Regional Policy Objectives are noted:

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 4.50: 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 4.52: 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.

5.3. Kildare County Development Plan 2017-2023

5.3.1. Section 1.1 of the Kildare County Development Plan 2017-2023 states:

Following the implementation of the Local Government Reform Act 2014, this development plan incorporates the areas formerly within the administrative areas of Naas Town Council and Athy Town Council. The County Development Plan will replace the Naas and Athy Town Development Plans when adopted and Local Area Plans will be prepared for Naas and Athy.

Section 1.4.3 (iii) states:

This Plan will replace the Naas Town Development Plan 2011 – 2017 and the Athy Town Development Plan 2012 – 2018 when adopted. Kildare County Council will prepare Local Area Plans for Naas and Athy to provide more detailed planning policies for these areas.

Volume 2 of the development plan comprises 'Small Towns and Environs Plans' and 'Village Plans and Rural Settlements', including land use zonings for the relevant settlements. However, it does not include any land use zonings for Naas.

5.3.2. Chapter 2 Core Strategy. Naas is designated as a Large Growth Town I in the Hinterland Area. It is at the top of the settlement hierarchy as the county town.

Chapter 3 Settlement Strategy, Table 3.3 indicates a core strategy allocation of 4,842 no. new residential units for Naas over the period 2016-2023.

5.3.3. Chapter 4 Housing. Table 4.2 indicative density standards, including 30-50 units / ha at outer suburban / greenfield sites. Section 4.6 deals with housing mix, noting falling average household size and a rapidly increasing '65 and over' age cohort of the county. Seeks to ensure that new residential development provides a wide variety of housing types that reflect and cater for the diverse housing needs of the county's population. Design and Layout Objective DLO4 seeks to promote the integration and safeguarding of existing green infrastructure, biodiversity and landscape features into new developments.

5.3.4. Chapter 6 Movement and Transport. Table 6.1 sets out priority road and bridge projects including Naas Inner Relief Road, R410 to R445.

- 5.3.5. Chapter 7 Infrastructure. Section 7.2.2 states that a contract to upgrade the capacity of the Osberstown Wastewater Treatment Plant, commenced in 2014, is to be completed in late 2017.
- 5.3.6. Chapter 14 Landscape, Recreation and Amenity. Naas is located in the Northern Lowlands landscape character area, 'Class 1 Low Sensitivity'.
- 5.3.7. Chapter 15 Urban Design. Table 15.1 includes the following guidance in respect of greenfield developments on the edge of settlements:
- Development shall be of low intensity, providing a transition to the countryside.
 - It shall generally be block structure and comprise a mix of house types. Apartments will not normally be permitted.
- 5.3.8. Chapter 17 development management standards. Section 17.4 relating to residential development. Section 17.4.3 requires a Housing Mix Statement for developments > 50 units within a Large Growth Town. Section 17.4.7 Public Open Space requires 15% of the total site area for greenfield sites, a general maximum of 10% of the open space provision shall be taken up by SUDS. Section 17.5 childcare to be provided for residential developments at a rate of 20 places / 75 houses. Table 17.9 car parking standards, require 2 spaces per house and 1.5 spaces per apartment unit + 1 visitor space per 4 apartments. Table 17.10 sets out the cycle parking standards and requires the provision of 1 space per unit + 1 visitor space per 2 units for apartment developments.

5.4. Naas Town Development Plan 2011-2017

- 5.4.1. The majority of the site is zoned 'Objective C, New Residential' under the TDP. The sites of the existing houses in the eastern part of the site are zoned 'B: Existing residential / infill'. The following land use zoning policy applies:

LU1: To ensure that a logical and sequential approach is adopted for development within the Naas Town Plan area (i.e. prioritising the development from the core area outwards).

- 5.4.2. The site is traversed by an indicative roads objective RPO1 where it is the objective of the Council:

RPO1: To construct a distributor road from the Devoy Road at Áras Chill Dara to the South Ring Road

This route has since been built and provides the vehicular access to the site. In addition, Rathasker Road to the east of the site is designated as an indicative walking / cycling route on Map 10.1. The following policy relates:

OSO2: To provide and develop walking and cycling routes throughout the town, particularly ones linking various areas of public open spaces and amenity in accordance with Map 10.1.

5.4.3. Section 4.7 states in relation to apartment development:

Within Naas, the provision of apartment schemes may be considered at appropriate locations and where a significant demand for smaller units of accommodation is evident. Generally apartments, or retail developments with apartments above, should be located in the town centre zone. They may also be appropriate close to public transport nodes or as a limited proportion of a general residential scheme.

The following housing policy applies:

HP14: To restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard.

5.4.4. The following natural heritage and biodiversity policy is noted:

NHO4: To have regard to the rural character and to encourage the protection of trees and hedgerows on the approach roads to Naas namely Tipper Road, Rathasker Road and the Craddockstown Road.

5.5. Naas Draft Local Area Plan 2019-2023

5.5.1. The draft LAP was published on 18th April 2019. The public consultation period took place between 18th April and 30th May 2019.

5.5.2. The draft LAP adopts the population targets for Naas as provided in the development plan Core Strategy, i.e. a total housing unit target of 12,719 units for Naas in the period to 2023, through the addition of 4,842 housing units over the Plan period. The draft LAP analyses the areas developed since 2016, also extant permissions, and identifies a remaining unit target of 2,718 no. units. As per NPF policy that at least 30% of all new housing units must be delivered within the existing built-up footprint of

the town (816 no. units), these must be accommodated within the existing settlement boundary of Naas on 'Town Centre' and 'New Residential' zoned lands. LAP Figure 2.3 identifies the LAP boundary and, within that, the 'Urban Footprint Boundary'. The development site is within the 'Urban Footprint Boundary'. The amount of land zoned in the Plan is based on an average density of 35 units / ha. LAP Table 2.7 provides an estimated capacity of 340 units at a density of 25-50 units/ ha for 8.9 ha of C1(6) zoned lands at Rathasker Road KDA. The following policies apply:

Policy CS1 – Compliance with the Core Strategy. It is the policy of the Council to support the sustainable long-term growth of Naas in accordance with the core strategy of the Kildare County Development Plan 2017-2023 and provisions of the National Planning Framework, 2018 and the Regional Spatial and Economic Strategy (when adopted).

CSO 1.1 Monitor the scale, type, tenure and location of constructed and permitted developments in Naas during the lifetime of the Plan and apply appropriate development management standards to ensure compliance with the Core Strategy of the Kildare County Development Plan 2017-2023 and to achieve the delivery of strategic plan-led and coordinated balanced development within the town.

CSO 1.2 Prioritise the development of sites zoned A: Town Centre and C: New Residential within the town as set out in Chapters 2, 8 and 10 of this Plan.

- 5.5.3. Appendix 3 of the draft LAP comprises an Infrastructure Assessment of zoned lands. This concludes that all lands within the C1(6) Devoy Link Road constitute Tier 1 lands as defined under the NPF:

Tier 1: Serviced Zoned Land – comprising lands that are able to connect to existing development services and generally positioned within the existing built-up footprint of a settlement or contiguous to existing developed lands or spatially sequential within the plan area.

- 5.5.4. There are 3 different zonings applying to the development site under the draft LAP. Most of Area A is within C1(6): New Residential and is also designated as a Key Development Area (KDA). A small portion of Area A is zoned 'B: Existing Residential / Infill'. Area B is zoned 'B: Existing Residential / Infill' and the objective 'N: Neighbourhood Centre' also applies.

5.5.5. The LAP identifies 2 KDAs to cater predominantly for new residential development and ancillary facilities: Naas West (west of the town centre), and Rathasker Road East (Devoy Link Road), i.e. the development site. Figure 8.32 provides a design framework for the Rathasker Road KDA. Policy URD2 – Regeneration and Urban Development applies, in particular:

URD2.9 All development proposals within designated Core Regeneration Areas, Key Development Areas and North West Quadrant must as far as practicable comply with the relevant development objectives and design frameworks set out in this plan.

LAP section 10.6.1 provides details of phasing for the Rathasker Road KDA.

5.5.6. LAP section 5.5.4 deals with edge of centre Neighbourhood Centres and defines them as follows after the Retail Planning Guidelines:

... a small group of shops, typically comprising newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population.

The zoned Neighbourhood Centres are to provide regular convenience and lower order comparison shopping and retail services for the needs of surrounding communities.

5.5.7. LAP policy on hedgerow retention:

NHO1.4 Encourage the retention and protection of trees and hedgerows on the approach roads to Naas, in particular those located on Tipper Road, Rathasker Road and Craddockstown Road.

LAP section 7.3 identifies Yeomanstown Stream as a Green Infrastructure Route, ref. section 7.3.4:

This route is centered round the Yeomanstown Stream from when it enters Naas to where it is culverted adjacent to the Osprey Hotel. Although Yeomanstown Stream has been heavily altered, there are some semi-natural lands adjacent to the Stream. These include some moderate hedgerows and treelines, a narrow band of planted mixed broadleaved woodland on the northern bank at Bluebell and sections of dry meadows and scrub in the margins of less managed fields.

The following policy applies:

OSO 1.1 Support and facilitate the provision of open spaces with ecological and recreational corridors to aid the movement of biodiversity and people, subject to appropriate environmental assessment.

Rathasker Road is identified as a Green Infrastructure Route. The following policy applies:

GIO1.10 Deliver the Green Infrastructure routes identified on Map 7.1 through the integration of a network of natural habitat and biodiversity supporting spaces, parkland for passive and active recreational uses, heritage features, sustainable surface water and flood risk management measures.

Several other Green Infrastructure policies apply including ref. GIO 1.1 – GIO 1.9.

5.5.8. Other relevant policies within the draft LAP:

HCO2.1 Require that an appropriate mix of housing type, tenure, density and size is provided in all new residential areas and in appropriate brownfield/infill areas to meet the needs of the population of Naas, including the provision of appropriate supported housing and longer term residential care solutions designed for older people and/or people with disabilities.

HCO 2.3 Require that residential schemes in close proximity to Naas' heavily trafficked roads are designed and constructed to minimise noise disturbance, follow a good acoustic design process and clearly demonstrate that significant adverse noise impacts will be avoided.

MTO2.4 Maximise connectivity for pedestrians and cyclists in Core Regeneration Areas and Key Development Areas and identify strategic links in existing areas in order to maximise access to local services, schools, transport services and amenities.

MTO2.12 Seek to retain the character of Rathasker Road, Craddockstown Road and other rural links on the outskirts of the town and to develop them as a connected series of walking routes in conjunction with Sli na Sláinte and other relevant bodies.

MTO5.6 Ensure that development proposals within Core Regeneration Areas, Key Development Areas and the Northwest Quadrant are subject to Traffic Impact Assessment (TIA), to be carried out in accordance with the Traffic and Transport

Assessment Guidelines (2014) The requirement for all other developments will be determined on a case by case basis.

6.0 Forming of the Opinion

6.1. 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 submissions 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, the following:

Completed application form; Statement of Consistency; Site Location Map and Site Layout; Plans, Sections and Elevations; EIAR / Environmental Report; AA Screening Report; Irish Water correspondence; Part V proposals; Statement of Housing Mix; Social Infrastructure Assessment; Architectural Design Statement; Housing Quality Assessment; Infrastructure Design Report and drawings; Site Specific Flood Risk Assessment; DMURS Compliance Statement; Traffic and Transportation Assessment; Preliminary Construction Management Plan; Landscape Report and Landscape Masterplan; Construction & Demolition Waste Management Plan; Operational Phase Waste Management Plan; Utilities Summary Report; Archaeology Report; Arboricultural Report and 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.

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

6.3. Planning Authority Submission

6.3.1. 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 copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on 1st July 2019. The planning authority's 'opinion' included the following matters.

6.3.2. PA Comment on the Principle of Development

- The planning authority considers, on the basis of legal opinion received that the Naas Town Development Plan 2011-2017 is extant and as such the policies and objectives therein are pertinent in this instance.
- The draft Naas Local Area Plan 2019-2023 was published on 18th April 2019. Public consultation was carried out between 18th April and 30th May 2019 and 225 no. submissions were received. A Chief Executive's Report on the submission is currently being prepared.
- The planning authority is of the opinion that the principle of the proposed residential development is generally acceptable having regard to the strategic planning policy considerations of the Kildare County Development Plan 2017-2023, the Naas Town Development Plan 2011-2017 and the Draft Naas Local Area Plan 2019-2023.
- The lands are considered to be Tier 1: Serviced under the draft LAP, as defined under the NPF and are situated within the built up area of the town. Residential development on these lands will help the planning authority to meet the requirement for at least 30% of all new homes to be delivered within the existing built up footprint of the town (NPF, NPO 3c). The urban footprint boundary (within the existing built-up footprint of the urban settlement) is considered, in recently published government policy (NPF and RSES) to be a key factor in determining the future development and expansion of urban areas. A substantial portion of the site is also located within KDA: Rathasker Road West, a designated area for new residential development.
- However, there are concerns over aspects of the proposal which are considered to be contrary to the provisions and overall aims of the Draft Naas LAP, including:

- Part of Area B west of the Devoy Road is zoned for a Neighbourhood Centre, on foot of the permission granted under PL.73.236928. Having regard to the level of new residential development envisaged within and around the site, a dedicated neighbourhood centre designed to serve the needs of local residents is considered as being a vital element in the future sustainable planning and development of the area. That element of the proposed development, located to the west of the Devoy Link Road is therefore contrary to the 'N' zoning objective of the draft LAP. A neighbourhood centre should be considered on Area B of the development site.
- Lack of integration of existing hedgerows into the development, particularly south of the KDA. Of most concern is the interface between the proposed development and Rathasker Road. While it is noted that the proposal has made an effort to ensure that the built form addresses Rathasker Road, it appears that the existing hedgerow is to be removed in its entirety, in contravention of provisions of the current TDP and draft LAP regarding the protection of existing green infrastructure features and the protection of the existing character of Rathasker Road, also the design framework for KDA: Rathasker Road West in the draft LAP.
- There is a general absence of detail regarding boundaries, their composition and overall design. Guidance provided in the design framework for KDA: Rathasker Road West should be applied to the Devoy Link Road and the South Rink Road.
- The creche is acceptable in principle and complies with TDP policies that seek the provision of childcare spaces at appropriate locations.

6.3.3. PA Comment on Density, Design and Layout

- The proposed residential density is considered appropriate. The site is considered to be 'Inner suburban / Infill' and an important development site within the urban area of Naas.
- The 15.8% public open space provided complies with the minimum standard of 15% set out in the County Development Plan.

- The private amenity space provision complies with development plan standards.
- The form, scale and mass of development respond well to the existing residential developments in the area.
- Proposed links to Elsmore are considered to be a positive aspect of the development. Proposed pedestrian and cycle links to the Rathasker Road, Devoy Road and South Link Road are welcomed.
- Generally positive qualitative assessment of design and layout, housing mix, open space provision, pedestrian and cycle connections, frontages to Rathasker Road, Devoy Road and South Link Road, incorporation of the stream on the western site boundary.

6.3.4. PA Comment on Roads and Transportation

- Proposed parking provision of 2 spaces per house (418) and 130 no. spaces for the apartments and visitor parking. Development Plan standards as per Table 17.9 require 182 no. spaces for the apartments. Thus, there is a shortfall with regard to Development Plan standards, however the parking provision complies with the Apartment Guidelines. Development Plan standards require visitor parking provision of 10% of the total requirement for the development, this is not provided.
- The creche is provided with 18 no. car parking spaces and 15 no. cycle spaces. Development Plan standards require 37 no. car spaces and 33 no. cycle spaces for the creche. However, these standards may be relaxed in this instance as the creche is effectively to cater for the development and is within walking distance of all dwellings.
- KCC Roads and Transportation Dept. report dated 21st June 2019. Seek further detail in relation to several matters including detailed proposals to Rathasker Road, ref. report on file dated 25th June 2019.

6.3.5. PA Comment on Site Services

- KCC Water Services Dept. report dated 20th June 2019 states several issues /concerns including the need for an Irish Water Pre-Connection Enquiry in light of the increase in proposed units from 306, as per the Pre-Connection Enquiry made on 30th May 2019.

- The site is located within Flood Zone C on OPW CFRAMS flood mapping.

6.3.6. PA Comment on Other Matters

- KCC Heritage Officer report dated 25th June 2019 notes issues relating to biodiversity measures at Yeomanstown Stream. Also bat survey and other matters to be addressed in the EIAR.
- Report of KCC Parks Dept. dated 26th June 2019 states concerns regarding retention of trees on site and Arboricultural Impact Assessment. Also further landscaping details required.
- KCC Environment Section report dated 20th June 2019 recommends conditions.
- The planning authority recommends that a completed AA Screening Report is included with the application.
- The proposed Part V provision is generally acceptable to the Housing Section of KCC, ref. report dated 21st June 2019. The general mix and type of units are satisfactory.
- KCC Fire Service recommends conditions in report dated 25th June 2019.

6.3.7. PA Comment Conclusion

- The planning authority considers that the development is acceptable in principle with regard to the policies and objectives of the Kildare County Development Plan 2017-2023 and the Naas Town Development Plan 2011-2017 and the proper planning and sustainable development of the area. However, there are some outstanding issues that require further information from the applicant to allow a full assessment of the impact of the proposed development on the area.

6.4. **Irish Water Submission**

- 6.4.1. The Irish Water comment refers to a development of '306 units at Elsmore Phase 2'. It confirms that the proposed connection to the Irish Water network can be facilitated subject to a valid connection agreement being put in place.

6.5. **Consultation Meeting**

- 6.5.1. A section 5 Consultation meeting took place at the offices of Kildare County Council Pleanála on the 10th July 2019. Representatives of the prospective applicant, the

planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:

1. Principle of development with regard to the Naas Town Development Plan 2011-2017 and the draft Naas Local Area Plan 2019-2023.
2. Design of residential accommodation. Residential layout including open space provision, public realm, vehicular, pedestrian and cycle connections, incorporation of the stream at the western site boundary, interface with Rathasker Road, Elsinore, Devoy Road and the South Link Road. Retention / integration of existing trees and hedgerows.
3. Roads and transportation issues. Car and cycle parking provision.
4. Site services and flood risk.
5. Any other matters.

6.5.3. In relation to the principle of development, ABP representatives sought further elaboration / discussion on:

- Status of the Naas Town Development Plan. This expired last year however there have been recent decisions in the Plan area.
- Previous permission granted at development site and context of development with other zoned lands
- Compliance with Neighbourhood Centre zoning objective at the development site
- Rationale for density levels and housing mix

6.5.4. In relation to residential design and layout, ABP representatives sought further elaboration / discussion on:

- Site context and layout with regards to the creche, level of open space, design framework and interaction with Rathasker Road
- Retention of the trees and hedgerow and vehicular access to Rathasker Road

- Location of apartment blocks in Area A relative to the R447 road frontage and related area indicated as open space in the draft LAP Design Framework for the development site.
- Visual impacts of duplex blocks, possibility of dual fronted design
- Design and location of Part V units

6.5.5. In relation to car and cycle parking provision, ABP representatives sought further elaboration / discussion on:

- Road details and layout with regard to DMURS
- Quantum of car parking proposed

6.5.6. In relation to site services and flood risk, ABP representatives sought further elaboration / discussion on:

- Drainage Design and Irish Water capacity issues

6.5.7. In relation to any other matters, ABP representatives sought further elaboration / discussion on:

- Part V and residential density
- Archaeological testing
- RSES and the Development Plan core strategy

6.5.8. 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-304616-19' 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.

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 section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

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:

- Phasing, density and quantum of development;
- Neighbourhood centre development at Area B;
- Design and layout of residential accommodation;
- Integration of trees and hedgerows and the Yeomanstown Stream,

details of which are set out in the Recommended Opinion below.

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

- 7.4. 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:

Neighbourhood Centre Development at Area B

1. Further consideration/justification of the documents as they relate to the zoning of part of Area B as 'N: Neighbourhood Centre' under the draft Naas Local Area Plan 2019-2023. The applicant is to submit a rationale for the proposed quantum and quality of retail development, if any, at Area B, with regard to the Neighbourhood Centre zoning, to include consideration of (i) national retail policy as per the Retail Planning Guidelines; (ii) existing retail provision in the area; (iii) the level of new residential development envisaged within and around the development site and the need, or otherwise, to provide Neighbourhood Centre facilities for same and (iv) associated car and cycle parking requirements. The further consideration of this issue may require an amendment to the documents

and/or design proposals submitted relating to density and layout of the proposed development.

Design and Layout of Residential Accommodation

2. Further consideration/justification of the documents as they relate to the design and layout of residential development, in particular (i) the provision of high quality frontages to the R447 and Devoy Link Road and (ii) the design of the apartment blocks in Area A adjacent to the junction of the R447 and the Devoy Link Road. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

Integration of Trees and Hedgerows and Yeomanstown Stream

3. Further consideration/justification of the documents as they relate to the integration of existing trees and hedgerows at the development site into the proposed development, in particular the hedgerow at the site interface with the Rathasker Road and the creation of a 'green route' at this location with pedestrian and cycle connections to the proposed development, also interaction with the existing amenity space at the Yeomanstown Stream, to include:
 - Detailed landscaping masterplan, planting proposals and hard / soft landscaping;
 - Applicant to address requirements of Kildare County Council Parks Section in the report dated 26th June 2019;
 - Detailed tree survey indicating trees to be retained / removed, Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site;
 - Detailed cross sections of the interface with the Rathasker Road to include any trees to be retained, boundary treatments, roads, pedestrian and cycle routes, public lighting and adjacent houses;

- Development should be designed to ensure passive surveillance of the green route and any associated public open spaces at the Rathasker Road;
- Detailed layout, topographical details and cross sections to indicate interaction with the Yeomanstown Stream, to address the provision of an adequate riparian buffer zone, ecological impacts and biodiversity considerations.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

8.4. 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 rationale for the proposed residential density and housing mix with regard to the provisions of the Kildare County Development Plan 2017-2023, the Naas Town Development Plan 2011-2017, the draft Naas Local Area Plan 2019-2023 and relevant national and regional planning policy including the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual'); The 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2018) and the 'Urban Development and Building Heights – Guidelines for Planning Authorities' (2018).
2. Detailed phasing proposals to include the provision of the proposals to include provision of the creche, development of Neighbourhood Centre zoned lands, interface with the Rathasker Road and the development of same as a Green Route.
3. Traffic and Transport Impact Assessment (TTIA) of the development, the scope of which is to be discussed in advance with Kildare County Council.

4. Rationale for the proposed car parking provision with regard to development plan car parking standards, to include parking provision for the creche and Neighbourhood Centre zoned lands and details of parking management for the apartments.
 5. Statement of compliance with DMURS.
 6. Details of all boundary treatments.
 7. Map of areas to be Taken in Charge
 8. A Building Lifecycle Report, as per section 6.12 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018).
 9. Rationale for proposed childcare provision with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
 10. Cross sections to indicate proposed ground levels, roads, public open spaces and building heights.
 11. Drainage details as per the report of Kildare County Council Water Services dated 19th June 2019.
 12. Detailed Part V proposals to address issues raised in the report of Kildare County Council Housing Section dated 21st June 2019.
 13. AA screening report.
- 8.5. 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. National Transport Authority
4. Relevant 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.

Sarah Moran
Senior Planning Inspector
31st July 2019