



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-305416-19

Strategic Housing Development

147 no. residential units (103 no. houses, 44 no. apartments) and associated site works.

Location

Townland of Newtown, Kill, Co. Kildare

Planning Authority

Kildare County Council

Applicant

Resource Five Limited

Prescribed Bodies

Transport Infrastructure Ireland
Department of Culture, Heritage and the Gaeltacht
Irish Water

Observers

1. Emmet Stagg
2. James Lawless.
3. Joseph Kessie.
4. O'Connor Property Management
5. Residents of Newtown Manor Estate
6. The Stables Residents Association.

Date of Site Inspection

5th December 2019

Inspector

Rónán O'Connor

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is located approximately 1.2km walking distance from the centre of Kill Town. The site is accessed via an unfinished distributor road, which also serves The Stables housing estate, and the Kill Equestrian Centre.
- 2.2. The site comprises of two separate fields, a portion of which was a former sand and gravel quarry. To the north of the site is the Embassy Manor Estate, to the east is the Newtown Manor Estate, and to the south is The Stables. To the north and east of the site is the Kill GAA Grounds. The N7 National Road is located approximately 350m to the west of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of the following:
- 3.2. 103 no. houses, 36 no. Apartment/Duplex units in 3 no. three storey blocks (Blocks A, B & C), and 8 no. Maisonette units in 2 no. two storey blocks (Blocks D1 & D2), on lands zoned Objective C 'New Residential' in the Kildare County Development Plan 2017-2023.
- 3.3. The mix of units consists of 14 no. one bed dwellings; 51 no. two bed dwellings; 63 no. three bed dwellings; and, 19 no. four bed dwellings. The proposed development provides a range of dwelling types including terraced, semi-detached and detached houses of two storeys. Apartment/Duplex units are provided along the south-western boundary of the site and maisonette units are provided in the north-western portion of the site.
- 3.4. The proposed development also includes a landscaped open space park area of 1.806 ha on lands zoned Objective F 'Open Space and Amenity' in the Kildare County Development Plan 2017-2023, along with the provision of a link street along

the southern and western boundary, extending the existing road to the south-east of the site to the north western corner.

- 3.5. The proposed development provides approximately 2.046 ha (31.5% of the subject site) of public open space; ancillary residential car parking spaces and visitor car parking spaces; 2 no. ESB substations; internal roadways; and, all associated and ancillary infrastructure, landscaping, boundary treatments and development works.

Table 3.1 Key Figures

Site Area	6.5 ha
No. of units	147
Density (Net)	37.4 units/ha
Plot Ratio	22.1%
Site Coverage	12.95%
Height	2-3 storey
Dual Aspect	100%
Communal/Public Open Space (within residential lands)	0.24ha
Proposed Park (on Open Space and Amenity Lands)	1.806ha
Part V	15 units
Vehicular Access	Via new link road
Car Parking	282 spaces
Bicycle Parking	96 spaces

	Table 3.2 Unit Mix	
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Unit Type	1 bed apt/maisonettes	2 bed apt/mainsonettes/duplexes	2 bed house	3 bed house	4 bed house	Total
No.	14	30	21	63	19	147
As % of Total	9.5	20.4	14.3	42.9	12.9	100

4.0 Planning History

Subject Site

4.1. The applications most relevant to the subject site are:

Planning Authority Reference Reg. Ref. 03/2695 and 15/119 (Part of the subject site)

4.2. Permission granted for 68 no. houses; outfall foul sewer to existing pumping station and outfall surface water to existing sewer; 340m of proposed distributor/access road from existing public road (L6032/0) to the east and all associated on site and off site development works on lands of c.4.6 ha to the north of the Kill International Equestrian Centre. Under 15/119, Kildare County Council granted an extension in the duration of the permission until 24th April 2017.

Adjoining and adjacent Sites

Kill International Equestrian Centre

PA Reg Ref 00/1209 – Grant – 52 residential units.

PA Reg Ref 01/2133 – Grant – 52 residential units and distributor road.

PA Reg Ref 07/812 – Refuse – Phase 2 of Kill International Equestrian Centre/66 dwellings/distributor/access road. Refused for 2 reasons relating to (i) capacity of the Osberstown Wastewater Treatment Plant (ii) capacity in the sewer network.

Other Relevant Sites in Kill

Kill Hill and Earl's Court, Kill, Co. Kildare (approximately 1.2km to the north-east of the development site)

ABP-303298-18

SHD Application – Permission **Refused** for 136 no. dwellings, 1 vehicular link at Kill Hill Lane, 2 no. vehicular connections to the Avenue and all associated site works.

The reasons for refusal were as follows:

1. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, and Policy MD 1 of the Kildare County Development Plan 2017-2023, seek to ensure that a wide variety of adaptable housing types, sizes and tenures are provided. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature both apartments and houses of varying sizes. The National Planning Framework recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future. The proposed development, which is characterised predominantly by three and four bed, detached and semi-detached housing and provides for a very limited number of one and two bed roomed units, would fail to comply with national and planning authority policy, as outlined above, and would be contrary to these Ministerial Guidelines, and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form and layout; fails to provide high quality usable open spaces; fails to

establish a sense of place; would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the layout of the proposed scheme, being dominated by roads, is contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013, and involves two vehicular accesses into the adjoining Earl's Court housing estate. It is considered that the proposed development would, therefore, seriously injure the residential amenities of future occupants, would endanger public safety by reason of traffic hazard, particularly to pedestrians within the Earl's Court estate, and would be contrary to the proper planning and sustainable development of the area.

The following notes are of relevance:

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

Note 2. In modifying the wording of refusal reason number 2 from that recommended by the Inspector, to include reference to the two vehicular accesses that are proposed between the subject site and the existing Earl's Court housing estate, the Board had regard to its previous decision on this site, under reference number ABP-300558-18, which specifically referred to the need to provide for pedestrian and cycle, but not vehicular, access from the lands through the adjoining estate, in the interests of pedestrian and traffic safety. In this context, the Board noted the concerns expressed by the residents of this existing estate, did not concur with the view of the Inspector on the matter, and considered that the issue of traffic hazard, particularly to pedestrians within this long-established estate, was significant. The Board is satisfied that the subject site can be accessed by vehicular traffic through the proposed improved junction at Kill Hill Lane, following the necessary

comprehensive re-design of the overall lands that would be available for development following the archaeological constraints, and that national policy on permeability can be complied with through pedestrian and cycle links to the adjoining estate, without the need for vehicular connectivity, in the particular circumstances of this case.

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

ABP-300558-18 (Relating to the same site above)

SHD Application - Permission refused by the Board for the development of 130 no. dwelling houses, vehicular and pedestrian connections and all associated and ancillary site development works. The reasons for refusal were as follows:

1. Having regard to the existing deficiency in the provision of adequate sewerage infrastructure serving the subject site, it is considered that the proposed development would be premature pending the carrying out and completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed density of development, at a net density of 26 number units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in land usage given the proximity of the site to the built-up area of Kill village and in close proximity to educational facilities and to the

established social and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act, which indicate that net densities less than 30 number dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

3. It is considered that, having regard to the correspondence and the accompanying map dated 1st day of February 2018, received by An Bord Pleanála from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, regarding the re-classification of Recorded Monument KD020-001-003 from enclosure / ring-barrow / tumulus to hillfort and the resultant expanded buffer that corresponds with the area of archaeological potential around the hillfort and the archaeological complex to the south comprising sites and monument numbers KD019-010, KD019-056, KD019-057 and KD019-008004 protected by Preservation Order number 3 of 2007 published by the National Monuments Service, the proposed development would be likely to injure or interfere with a historic monument which stands registered in the Register of Historic Monuments under Section 5 of the National Monuments Acts, or which is situated in an archaeological area so registered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

The Board also stated that in deciding not to accept the Inspector's recommendation to grant permission for part of the proposed development and to refuse permission for the remainder, the Board considered that to permit houses numbers 1 to 32 (as recommended by the Inspector) would not allow for a comprehensive re-design of the overall lands that would be available for development following from the archaeological constraints outlined in the submission by the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht, which

comprehensive re-design the Board considers is necessary having regard to the need to provide for an increased residential density (in accordance with national policy), particularly in that part of the site not immediately adjacent to the existing Earl's Court housing development, and the need to provide for pedestrian and cycle, but not vehicular, access from the lands through the adjoining Earl's Court Housing Scheme, in the interests of pedestrian and traffic safety.

5.0 Section 5 Pre Application Consultation

5.1. There has been two no. pre-application consultation submissions relating to this site (ABP Refs 304021-19 and 302484-18). Details of same are set out below.

ABP Ref 304021-19

5.2. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 2nd May 2019 in respect of a proposed development of 160 residential units (110 no. houses, 50 no. apartments) on the site. The main topics raised for discussion at the tripartite meeting were as follows:

1. Development Strategy – density, landscape design and quantum of public open space
2. Pedestrian connectivity
3. Site interface and context
4. Water Services
5. Part V
6. Any other matters

Copies of the record of the meeting and the inspector's report are on this file.

5.3. In the Notice of Pre-Application Consultation Opinion dated 22nd May 2019 (ABP Ref. 304021-19) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 5.4. The opinion also stated that the following specific information should be submitted with any application for permission –
1. Updated information with regard to wastewater infrastructure constraints in the network serving the proposed development in particular as it relates to Contract 2B of the Upper Liffey Valley Sewerage Scheme. The documentation at application stage should clearly indicate the proposals to address the constraints and completion of same and the timelines involved in addressing the constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above). In addition, the location and capacity of the proposed pumping station should be clearly described and address the siting and design concerns raised by the planning authority.
 2. A detailed phasing plan for the proposed development, that takes into account item 1 above.
 3. A plan of the areas excluded for the calculation of net density in addition to a plan of all open spaces within the site clearly delineating public and private spaces.
 4. A planning rationale in respect of housing density, layout of open space provision and compliance (or otherwise) of core strategy figures, as applicable.
 5. A detailed assessment and landscaping design masterplan that explains the hierarchy of public open spaces throughout the entire site, detailing play areas for different age groups, footpaths and cycleways and the integration of surface water management measures if appropriate.
 6. A high level site layout plan indicating pedestrian and cycle connections through the development lands and any proposed future potential links, specifically Embassy Manor to the north of the site. All potential future pedestrian/cycle links should be provided up to the boundary of the application site.
 7. Full and complete drawings including levels and cross sections showing the proposed relationship between the development and adjacent residential units, specifically between the development and 'The View' to the east. An appropriate interface design approach between the subject site and 'The View' should ensure that opportunities for passive supervision of access laneways are maximised.

8. A site layout plan which clearly indicates what areas, including any pedestrian and cycle routes/connections, are to be taken in charge by the Local Authority.
9. Drainage information to include details of the design, operation and maintenance of the proposed pumping station with regard to potential impacts on residential amenities due to noise and odours. The location, specification and design of all surface water management infrastructure such as attenuation tanks, swales and outfalls.
10. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.
11. Archaeological Impact Assessment, the prospective applicant is advised to note and address the issues raised in the submission from Department of Culture, Heritage and the Gaeltacht, received by the Board on the 17 April 2019.
12. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018)

5.4.1. It is noted that the number of the proposed units has been reduced from 160 no. dwellings as submitted with the tripartite meeting documentation to 147 no. units (-13 no. units) as a result of the following:

- In order to provide surveillance from the proposed development along the length of the private laneway to the east of the site, that provides access to the GAA lands, and an appropriate boundary interface, 2 no. units, previously located centrally along the south-eastern boundary of the site have been replaced with an open space area of 0.05ha. This is in response to Item 7 of the APB Opinion.
- 11 no. units were also omitted from the proposed development in order to ensure that no development that could be deemed as being ancillary to the proposed

residential development, including roads, footpaths, lighting and parking was within lands zoned for Objective F 'Open Space and Amenity'.

ABP Ref 302484-18

- 5.5. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 11th October 2018 in respect of a proposed development of 111 no. residential units (103 no. houses, 8 no. apartments). The main topics raised for discussion at the tripartite meeting were as follows:
1. Development strategy for the site including density, layout and unit mix.
 2. Drainage – Foul & Surface Water
 3. Roads layout, traffic and transport issues
 4. Social infrastructure
 5. Any other matters
- 5.6. In the Notice of Pre-Application Consultation Opinion dated 31st October 2018 (ABP Ref. ABP-302484-18) the Board stated that it was of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act the documentation submitted with the consultation request under section 5(5) of the Act 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 (as amended).
- 5.7. In the opinion of An Bord Pleanála, the following issues needed 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:

Design and Layout of Residential Development

- 5.8. Further consideration/justification of the documents as they relate to the design and layout of residential development, in particular (i) further consideration and justification of the proposed setback from the adjoining roads objective with regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the accompanying Urban Design Manual; (ii)

further consideration and justification of the internal roads layout to comply with the Design Manual for Urban Roads and Streets, in particular in relation to connectivity to adjoining areas and (ii) the proposed housing mix in relation to the high proportion of 3 bed houses proposed with regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the settlement strategy of the Kildare County Development Plan 2017-2023 and the Kill Small Town Plan. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

Infrastructural Constraints

- 5.9. Further consideration/clarification of the documents as they relate to wastewater infrastructure constraints in the network serving the proposed development in particular as it relates to Contract 2B of the Upper Liffey Valley Sewerage Scheme. The documentation at application stage should clearly indicate the proposals to address the constraints, the compulsory purchase order process and completion of same and the timelines involved in addressing the constraints relative to the construction and completion of the proposed development. (The prospective applicant may wish to satisfy themselves that an application is not premature having regard to the information sought above).
- 5.10. The following specific information was also required to be submitted with any application for permission:
1. A plan of the areas excluded for the calculation of net density in addition to a plan of the open space within the site clearly delineating public and private spaces.
 2. A detailed phasing plan for the proposed development.
 3. Drainage details to include (i) details of the design, operation and maintenance of the proposed pumping station with regard to potential impacts on residential amenities due to noise and odours and (ii) assessment of the foul sewer outfall to demonstrate that it can cater for the proposed development.
 4. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare

facilities in the area and demand for childcare provision within the proposed scheme. The applicant is advised to consult with the relevant Childcare Committee in relation to this matter prior to the submission of any application.

5. Archaeological Impact Assessment.

6. AA screening report.

5.10.1. The proposal was amended as follows as a result of the Opinion issued above.

- Additional lands zoned Objective F 'Open Space and Amenity' to provide a landscaped open space park area.
- A revised quantum and mix of units (increase from 111 no. to 160 no. units), and associated amendments to the roads and drainage layout.
- The provision of a link street from the road to the south-east of the site, along the southern and western portion of the site to the north-western boundary of the site.

5.11. Following the amendments to the proposed development, the applicant requested a further pre-application consultation with Kildare County Council under Section 247 of the Planning and Development Act 2000 (as amended) to discuss the proposed amendments to the development, in advance of requesting a further consultation with the Board. The 247 meeting with Kildare County Council took place on 24 January 2019.

5.12. Subsequently, the applicant requested a tripartite meeting with An Bord Pleanála and Kildare County Council in March 2019 (details of same are noted above).

5.13. **Applicant's Statement**

5.13.1. The application includes a statement of response to the latest pre-application consultation (304021-19) and this is set out in ABP Cover Letter & Statement of Response, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

Item 1 - Wastewater Infrastructure and Contract 2B of the Upper Liffey Valley Sewerage Scheme

- The report confirms that Contract 2B of the Upper Liffey Valley Sewerage Scheme has received ministerial approval to proceed following from the confirmation of all other required statutory consents and approvals.

- Confirmed with Irish Water that physical works are scheduled to begin in Q4 2019, with the overall project scheduled for completion in early 2022.
- Confirmed that the works required for Kill and its immediate environs may be completed before 2022 and that full connection for all units could be possible in late 2020/early 2021.
- Will continue to liaise with Irish Water regarding the finalised construction programme for Contract 2B, particularly in relation to the Kill area.
- The application is not premature, particularly considering the phasing and timeframe for the construction of the development.
- Irish Water has confirmed a number of residential units in the development could be accommodated with an interim connection prior to completion of Contract 2B in 2022, subject to the applicant entering into a Project Work Services Agreement (PWSA) with Irish Water.
- The PWSA will provide for the carrying out of further detailed investigations by Irish Water to confirm the current available capacity of the local network, any local infrastructure upgrades that might be required for such an interim connection or any misconnections that if removed would increase capacity of the foul network for the interim connection.
- The applicant would contribute a relevant portion of the cost of works for such upgrades, if identified and necessary for an interim connection, if such a connection would be required.
- CS Consulting has confirmed that the applicant has agreed to enter into the agreement and Irish Water is currently drawing up the PWSA for review, noting that such an interim connection may not be necessary considering the imminent implementation of Contract 2B and necessary works for Kill.
- The exact timeframe for the relevant upgrade works for Kill will be confirmed by Irish Water with the applicant when available.

Item 2 - Wastewater Infrastructure and Phasing

- Drg. No. 1802 P2 107 illustrates the indicative construction phasing plan for the proposed development.

- Phase 1 includes the construction of 60 no. units and all open space areas in the southern portion of the site, 1 no. ESB substation, the entirety of the link street from the south-eastern site entrance to the north-western boundary, the pumping station and the southern portion of the proposed park
- Phase 2 includes the construction of 52 no. units and a central portion of the proposed park.
- Phase 3 includes the construction of 35 no. units, 1 no. ESB substation and the northern portion of the proposed park.
- Subject to a grant of permission in Q1 2020, the applicant shall seek to the commence works on site in Q2 of 2020 with Phase 1.
- Expected that the 60 no. units in Phase 1 would require a connection to the Irish Water network in Q1 of 2021, in advance of the scheduled completion date of the entirety of works covered under Contract 2B of the Upper Liffey Valley Sewerage Scheme in 2022.
- As noted Irish Water have advised that connection may be feasible in Q1 of 2021 should the specific elements of the Contract 2B of the Upper Liffey Valley Sewerage Scheme that serve the Kill area be completed in advance of the 2022 completion date.
- In the event that Contract 2B works to the Kill area are not completed in Q1 of 2021, then the applicant can consider the outputs from the PWSA.
- Irish Water have confirmed that the PWSA will take approximately 6 months to complete (February - July 2020) and will confirm what capacity is available or can be made through local upgrade works or removal of misconnections.
- If capacity can be made available, then the applicant shall proceed to seek interim connection from Irish Water for the Phase 1 units in Q1 of 2021.
- Remaining units of the development shall be constructed to align with the completion of the Kill element of works of Contract 2B of the Upper Liffey Valley Sewerage Scheme.

- Development is not premature and can be constructed within the 5 year life of the permission when granted with the completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme.

Item 3 - Open Space Areas and Areas Excluded for the Calculation of Net Density

- Drawing No. 1802 P2 103 illustrates the site area included for the calculation of net density (3.928 ha).
- The net development area of 3.93 ha has been calculated in accordance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- Discounting both the proposed park and the proposed access link street from the south-eastern entrance of the site to the north-western boundary, provided in accordance with Objective KL 14 and the Kill Objectives Map (Figure V2-1.5B) of the Kill Small Town Plan (Volume 2 of the Kildare County Development Plan 2017-2023), gives the net residential development area of 3.93 ha and net density of 37 units per hectare.
- Drawing No. 1802 P2 104 provides a layout plan which identifies all of the public open spaces provided by the proposed development.
- Proposed development includes approximately 2.046 ha of quality public open space (approximately 31.5% of the overall site area of 6.50 ha).
- The submitted Landscape Plan, Landscaping Detail Drawing and Landscaping and Public Realm Report provide details of the landscaping proposal for the development.

Item 4 - Open space Provision, Housing Density and Compliance with Core Strategy

Open Space

- Landscape Plan, Landscaping Detail Drawing and Landscaping and Public Realm Report, provide details of the landscaping and public realm proposals.
- The proposed development includes approximately 2.046 ha of quality public open space (approximately 31.5% of the overall site area of 6.50 ha).
- The three open space areas on the residential zoned area (total of approximately 0.24 ha) equate to 6.1% of the net residential development site area.

- 3 no. character areas in the proposed development, defined by the public open spaces provided:
- All dwellings are within a short walking distance of the major public park and most will have views of the space.
- This park represents a major visual amenity for the area.

Core Strategy

- The population and housing target for Kildare to the end of the Plan period is 253,600 persons and 113,243 units, respectively. This requires 32,497 additional residential units to be built between April 2016 and April 2023, necessitating an annual average output of c. 4,642 housing units over the seven-year period from 2016-2023.
- Table 3.1 of the Plan sets out the settlement hierarchy for Kildare. Kill is identified as a Small Town within the Hinterland Area.
- Policy SS2 of the Plan seeks to 'direct growth into the Large Growth Towns, followed by Moderate Sustainable Growth Towns and Small Towns, whilst also recognising the settlement requirements of rural communities'
- Section 3.5 and Table 3.3 provides the population and housing growth targets allocated to towns, villages and settlements in the Plan based on the RPG targets and RPG policy requirements. 1.3% of the growth allocation of Kildare has been distributed to Kill, generating a new dwelling target of 422 units for the 2016-2023 period.
- Approximately 26.5 ha has been zoned objective C 'New Residential' in Kill, centred on four greenfield sites (including the subject site). 422 no. units are allocated across the 26.5 ha of residential zoned lands, not including infill residential or town centre lands. This distribution implies a density of 16 units per ha.
- Section 1.5.8.1 of the Kill Small Town Plan notes that the zoning takes into account 50% over provision as recommended in the Development Plan Guidelines to ensure choice and continuity of supply of zoned lands over the 9-year period from 2017 to 2026. Table 1.1 of Volume 2 of the Plan notes that the

unit target of 422, incorporating the 50% over zoning, resulting in a revised target allocation of 633 no. additional units.

- 633 units across 26.5 ha implies a density of 24 units per hectare. This density range of 16-24 units per ha is broadly consistent with the density range set out for edge of centre sites in Small Towns on Table 4.1 of the Plan (see section 3.4.2.2 below), and for the reasons set out below is considered to be inconsistent with national policy.
- A review of extant and implementable permissions in Kill identified 3 no. residential permissions in Kill that have yet to be commenced, providing a total of 38 no. units.
- In addition, a residential development of 152 no. units and a creche facility, known as Kilheale Manor, was permitted under the previous County Development Plan (originally 162 units under Reg. Ref. 07/1494, reduced to 158 under Reg. Ref. 10/278 and further reduced to 152 under Reg. Ref. 14/304) on a site area of c.6.3 ha. That development is currently under construction and is nearing completion.
- Commenced (152 units) and extant (38 units) developments in Kill could potentially provide yield 190 no. units, assuming that all of the extant developments are implemented. A balance of 232 no. additional units would be required to be constructed by 2023 in order to meet the housing allocation target.
- The proposed development of 147 units, in combination with extant and commenced developments, will provide a total of 337 no. units in Kill, incorporating lands zoned for existing residential infill (Objective B) and approximately 12.5 ha of land zoned Objective C, new residential.
- Accordingly, the proposed development taken in conjunction with under construction and extant permissions, is substantially below the core strategy allocation to Kill of 422 no. units, is consistent with the core strategy and will assist in meeting the Core Strategy allocation of the Kildare County Development Plan 2017-2023.
- It is noted that there are two applications for 124 no. units currently under consideration by Kildare County Council on approximately 5.7 ha zoned for

residential development to the east of the site under Reg. Ref. 19/886 (58 no. units on c.2.8ha), and Reg. Ref. 19/885 (66 no. units on c.2.9ha).

- In this regard, extant permissions (38 no. units), commenced developments (152 no. units), and current applications (124 + 147 = 251) if granted, would yield 461 additional housing units, approximately 39 no. units (c.11%) over the housing allocation in the Core Strategy and Settlement Strategy of the current Plan.
- It is submitted that even if all units were permitted and constructed, an exceedance of 11% is not material or substantial in the context of the allocated number of units. In this regard, there can be no certainty that all of the applied for and permitted units will be constructed or occupied before 2023.
- Furthermore, the relatively modest breach of the core strategy allocation is attributable in substantial part to a misalignment between national and county level policy on density and sustainable development, the higher proportion of one and two bed units now required, and national policy requirements to provide a range of unit types, forms and heights.
- Accordingly, it is submitted that the proposed development is compliant with national and regional policy, and consistent with the core strategy of the County Development Plan.

Proposed Density

- The proposed development of 147 no. units on a net site area of 3.93 ha, discounting the park on open space zoned lands and the link street, provides a net density of 37 units per hectare. Table 4.1 of the County Development Plan provides the following guidance for residential developments in small towns, based on proximity to the centre of the settlement:
- Edge of Centre Sites within Small Town/Village: ‘densities in the range of 20-35 dwellings per hectare will be appropriate
- Edge of Small Town/Village: ‘In order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, it is appropriate to consider proposals for developments with densities of less than 15 - 20 dwellings per hectare along or inside the edge of smaller towns and villages, as

long as such lower density development does not represent more than 20% of the total net planned housing stock of the small town or village in question

- Table 4.2 of the County Plan provides indicative density ranges of 15-20 units per hectare on the edge of small towns and villages, 25-30 units per hectare on edge of centre sites, and 30-40 units per hectare on centrally located sites.
- On the basis that the site could be most appropriately characterised as an edge of settlement site where the 15-20 units per ha indicative range applies, it is considered that the proposed net density of 37 units per hectare represents a material contravention of the County Development Plan.
- A Material Contravention Statement in relation to the density of development has been submitted with the application documentation.
- It is noted that the indicative densities outlined in the County Development Plan are generally based on the guidance in Chapter 6 of the Sustainable Residential Development in Urban Areas Guidelines, 2009 (SRDUA Guidelines).
- Section 5.11 of the Guidelines also states that 'development at net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares'.
- Note that the Board's second reason for refusal for the proposed residential development at Kill Hill (Ref. Ref. 300558-18), located on the eastern site of the town and at a similar distance from the centre, stated that a net density of 26 units per hectare would not provide for an acceptable efficiency in land use and would be contrary to the SRDUA Guidelines.
- The proposed density is in excess of the minimum 30 dwellings per hectare (dph) recommended for land efficiency, and is considered to be generally consistent with the net density range for edge of centre sites (30-35 dph) and 30-40+ dph advocated for small towns.
- It is submitted that the proposed density is appropriate having regard to the context and character of the site and adjoining development, the compact nature of Kill, the proximity of the site to the urban core, the infill nature of the site, the unit mix incorporating a high proportion of 1 and 2 bed units, and national policy

that supports the efficient use of zoned and serviced land suitable for residential development.

- Furthermore, the proposed density is in accordance with Section 28 Ministerial Guidelines issued since the adoption of the current Development Plan which promote the consolidation, intensification and densification of both brownfield and greenfield development land at levels in excess of 35 units per hectare, including the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and the Apartment Guidelines 2018.
- It is submitted that the proposed density is fully aligned with national policy, is an appropriate design response to the site's context and character, delivers strategic transportation and recreational amenity infrastructure, and is consistent with the proper planning and sustainable development of the area.

Item 5 – Landscape Design Masterplan

- Landscape Plan, Landscaping Detail Drawing and Landscaping and Public Realm Report, provide details of the landscaping proposals for the development and the rationale regarding the same.

Item 6 – Pedestrian and Cycle Connections

- Drawing No. 1802 P2 111, prepared by CCK Architects, illustrates the existing pedestrian and cycle connections from the subject site to the town centre and nearby Bus Eireann stops, together with proposed future potential links.

Item 7 – Site Sections

- Site sections (Drg. Nos. 1802 P2 204 and 1802 P2 205) illustrate the relationship between the proposed development and adjoining residential estates to the south-east (Newtown Manor – The View) and the north (Embassy Manor).

Item 8 – Taking in Charge Plan

- Taking in Charge Plan (Drg. No. 1802 P2 106) submitted with the application.

Item 9 – Drainage Information and Details

- Engineering Services Report and associated drawings prepared by CS Consulting Engineers provide details of the proposed foul and surface water drainage system.

Item 10 – Childcare Provision

- An assessment of childcare provision has been prepared and included in Section B2.4.1 of the Social Infrastructure Assessment Report, contained in Appendix B of the Planning Report and Statement of Consistency.
- The proposed development will generate a requirement for approximately 35 no. childcare spaces.
- The level of additional children generated by the proposed development can be adequately accommodated by existing, unoccupied and future potential facilities in the surrounding area.

Item 11 – Archaeological Assessment

- A revised Archaeological Assessment Report, incorporating the results of test excavations (Licence Ref. 19E0416) has been prepared by Archer Heritage and is provided with this application.

Item 12 – Building Lifecycle Report

- A Building Lifecycle Report has been submitted with the planning application documentation. Relevant Planning Policy

5.14. National Policy

5.14.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission 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’) (2009).
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019).
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2018).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009).

Other relevant national and regional guidelines/policy include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999
- Project Ireland 2040, National Planning Framework.
- The Eastern and Midland Region Spatial and Economic Strategy (RSES) (2019).

5.15. Local Policy

- 5.15.1. Kildare County Development Plan 2017-2023 is the operative County Development Plan.

Volume 1 of the Kildare County Development Plan 2017-2023

- 5.15.2. Chapter 2 – Core Strategy – Table 2.2 designates Kill as a Small Town within the Settlement Hierarchy.
- 5.15.3. Chapter 3 – Settlement Strategy/Section 3.4.3 sets out the Role of Small Towns/Table 3.3 outlines the Settlement Hierarchy – Population and Housing Unit Allocation 2016 – 2023/Table 3.4 sets out Development Capacity in Kildare, including Kill.
- 5.15.4. Chapter 4 – Housing – including Table 4.1 Guidance on appropriate locations for new residential development/Table 4.2 Indicative Density Levels
- 5.15.5. Chapter 6 relates to Transport/Chapter 7 Infrastructure/Chapter 11 Social, Community & Cultural Development/Chapter 13 Natural Heritage & Green Infrastructure/Chapter 14 Landscape, Recreation & Amenity/Chapter 15 Urban Design/Chapter 17 Development Management Standards.

Volume 2 of the Kildare County Development Plan 2017-2023 - Kill Small Town Plan

- 5.15.6. The site is within the area of the Kill Small Town Plan which is included within the Development Plan.

Zoning

- 5.15.7. The site is within the area of the Kill Small Town Plan which is included within the Volume 2 of the Development Plan. The site is zoned Objective C, New Residential - To provide for new residential development' under the provisions of this plan. A large portion of the site includes lands zoned Objective F – Open Space and Amenity - To protect and provide for open space, amenity and recreation provision.
- 5.15.8. Map Ref V2-1.5B also includes Objectives for Kill including an objective for a Proposed Kill- Johnstown road (A) to the Hartwell Rd (B).
- 5.15.9. Paragraph 1.5.7 of the Kill Small Town Plan sets out the principles governing the future development of the town. These include consolidating development within the town centre followed by the sequential development of land / sites in a logical progression from the town centre to the edge of the development boundary.
- 5.15.10. Paragraph 1.5.8.1 notes that the settlement strategy for County Kildare allocates a housing target for Kill of 422 units between 2011 and 2023. Residential development is identified as being accommodated on 4 sites, one of which is the subject site.
- 5.15.11. Paragraph 1.5.8.4 includes roads objective K14 as follows:
- Proposed Kill- Johnstown road (A) to the Hartwell Rd (B) (This road is intended as the primary relief road to take industrial and commercial traffic from the Hartwell Road to the N7).
 - Main St adjoining the site of the former Ambassador Hotel (C) to the proposed Kill-Johnstown Rd (A) (Map V2-1.5B refers)
- 5.15.12. The A to B route passes to the west and south of the development site and connects with the existing distributor road at the site access.
- 5.15.13. Paragraph 1.5.8.5 of the Plan for Kill relates to water and wastewater and notes that future development may be impacted by limitations on the existing sewerage system. It is stated that Development will be dependent on the delivery of Contract 2B of the Upper Liffey Valley Regional Sewerage Scheme which includes upgrades to the sewerage network from Kill to Osberstown Waste Water Treatment Plant.
- 5.16. **Statement of Consistency**

5.16.1. The applicant has submitted a Planning Report and a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the City Development Plan. The following points are noted:

National Planning Framework

- Kildare, Meath and Wicklow are included in the Mid-East area of the Eastern and Midland Region in the NPF. Under National Policy Objective 1b, the population of the Eastern and Midland Region is to increase by 490,000 – 540,000 to around 2.85 million people by 2040.
- Section 4.3 of the NPF states that there is a need to encourage population growth in towns of all sizes where potential for sustainable growth exists, also supported by employment growth.

Eastern and Midland Region Spatial and Economic Strategy

- Chapters 3 and 4 of the RSES provides the growth and settlement strategy for the region. Kill is located in the Core Region, proximate to the Key Growth Town of Naas. The Core Region includes the peri-urban hinterlands in the commuter catchment around Dublin, which covers Louth, Meath, Kildare and Wicklow.
- Key Towns are defined as large, economically active towns that provide employment for their surrounding areas and with high-quality transport links and the capacity to act as growth drivers.
- The development strategy for small towns and villages such as Kill are to be set out in the Core Strategies of County Development Plans, in accordance with the key principles in the RSES.

Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities

- The proposed density is in excess of the minimum 30 dwellings per hectare (dph) recommended for land efficiency, and is considered to be generally consistent with the net density range for edge of centre sites (30-35 dph) and 30-40+ dph advocated for small towns.

Sustainable Urban Housing: Design Standards for New Apartments (2018)

- The subject site is appropriately categorised as a ‘Peripheral and/or Less Accessible Urban Location’, being a location that is ‘generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net).
- Proposed development complies with relevant SPPRs.
- The site layout, architectural design drawing, Housing Quality Assessment (HQA) and Architectural Design Statement demonstrate compliance of the proposed development with the relevant qualitative standards and objectives of the Apartment Guidelines.
- Car parking provision exceeds the 11 no. spaces (1 space per 4 no. apartment units) required under the Apartment Guidelines, but has been provided in consideration of the advices provided by Kildare County Council regarding visitor spaces for houses (10% of total car parking provision for houses – 21 no. spaces).

Urban Development and Building Heights – Guidelines for Planning Authorities

- The proposed development provides a net density of 37 units per ha and includes 2 and 3 storey built elements.
- The siting, scale, height and design of the proposed dwellings has had due regard to the existing residential developments to the north and east.

Childcare Facilities – Guidelines for Planning Authorities

- Considered that the additional requirement arising from the proposed development can be adequately accommodated by existing, unoccupied and future potential facilities in the surrounding area.

The Planning System and Flood Risk Management – Guidelines for Planning Authorities

- Section 5.2 of the Engineering Services Report prepared by CS Consulting provides an assessment of Flood Risk in accordance with the Guidelines. The

subject site is identified as being located in flood zone 'C' and as such is not affected by fluvial, pluvial or tidal flooding.

- The proposed attenuation and drainage system will mitigate against the likelihood of contributing to downstream flooding.

Design Manual for Urban Roads and Streets

- The design and layout of the proposal has been developed with consideration for the legibility and connectivity of the subject lands, with a particular focus on encouraging walking and cycling; along with providing safe and plentiful networks into and through the site.

Kildare County Development Plan, 2017-2023.

Volume 1

- The location of the proposed development is consistent with Policies CS 4, SS 2, SS 5 and SR 1 of the Kildare County Development Plan that promote the consolidation of established urban areas.
- Will contribute to meeting the housing allocation target of 422 units in the Core Strategy for the 2016-2023 period. There are currently three extant permissions for residential developments in Kill that have yet to be commenced, providing a total of 38 units.
- Tables 4.1 and 4.2 of the County Development Plan identify an 'indicative' density range of 20-35 units per hectare for edge of centre sites, and 15-20 units per ha for edge of settlement sites.
- On the basis that the site could be most appropriately characterised as an edge of settlement site where the 15-20 units per ha indicative range applies, the applicant's consider that the proposed net density of 37 units per hectare represents a material contravention of the County Development Plan. A material contravention statement in relation to the density of development is submitted as a separate document with this application.
- Proposed development is in accordance with Objective MDO1 of the KCDP to provide housing variety and mix.

- Policy WC3, LR6 and LR7 - the proposed layout seeks to achieve permeability and connectivity throughout the site, and to adjoining residential developments and the Kill town centre. The Traffic Impact Assessment and the DMURS Statement address compliance with Policy WC6, RS5 and TM6.
- Correspondence from Irish Water and the Engineering Services Report address compliance with Policy WS4, SW9, WW4, WW8 and WW10.
- In accordance with Policy SW5, a statement on Flood Risk is provided with this application.
- Objective CO2 and Section 17.5 - a Social Infrastructure Assessment is provided in Appendix B. It is concluded that that there is currently adequate community and social infrastructure, including childcare facilities, to cater for the population of the proposed development.
- Policy NH1, GI9 and GI11 - the proposed development includes the provision of high-quality landscaping and planting with native species to provide enhanced biodiversity on the site.
- Policy NH6, an Appropriate Assessment Screening Report is submitted. .
- The site layout and unit plans, along with the schedule of accommodation and housing quality assessment demonstrates compliance with the requirements of the County Development Plan standards for residential developments.
- The Traffic Impact Assessment confirms that the quantum of vehicular and bicycle parking is in accordance with the requirements of the County Development Plan.

Volume 2

- Compliant with zoning objectives for the site.
- Delivers the majority of the link from the Hartwell Road to the Kill-Johnstown Road within the applicant's landholding, as per Objective KL 14 and the Kill Objectives Map (Figure V2-1.5B) of the Kill Small Town Plan (Volume 2 of the Kildare County Development Plan 2017-2023).

6.0 Third Party Submissions

6.1. 6 no Third Party submissions on the application have been received from the following parties –

1. Emmet Stagg. 2. James Lawless. 3. Joseph Kessie. 4. O'Connor Property Management 5. Residents of Newtown Manor Estate 6. The Stables Residents Association.

6.2. The issues raised are summarised below:

Emmet Stagg

- Density is excessive
- Dismisses the Kildare County Development Plan as they relate to Kill
- Location of the proposed apartments, on a site at the edge of Kill and not proximate to Public Transport, is contrary to the proper planning and sustainable development of the area.
- Proposal does not conform with the prevailing building height in the area.
- Guidelines do not allow for three storeys on the edge of a small town.
- Proposed of increased building heights only supported where there is good public transport.
- Premature pending completion and commissioning of Contract 2B of the Upper Liffey Valley Sewerage Scheme.
- The proposal is not strategic nor is it of national importance. There a material contravention of the Kildare County Development Plan cannot be considered.

James Lawless

- No proposal for a crèche – this should be considered in the light of available crèche places.
- Permeability – ABP should seek to include walkway/cycleway links to the nearby town.
- Appropriate noise conditions should be attached.
- Conditions ensuring roads are cleaned and maintained should be attached.

- A review of traffic volumes be carried out with particular reference to the Hartwell Road junction.
- Examination of current water and sewage services be undertaken.

O'Connor Property Management

- Note that the Embassy Manors Owners Management CLG, the freehold owner of the lands in Embassy Manor, does not consent to the inclusion of a proposed ling from application lands northward into Embassy Manor Estate via the proposed public open space.

Residents of Newtown Manor Estate

- Proposed development is completely at odds with the established pattern and scale of development
- Design is inappropriate for Kill Village
- Designed to maximise density/development is too dense
- Only a small number of people use the bus.
- Nearest train is at Sallins
- Town is car dominated
- Reality is that the site is quite remote from the centre, requiring a 1.6km walk.
- Devoid of services required for such a high density development.
- Site is not an infill nor an edge of centre site/is an edge of small town.
- Density is nearly double the maximum threshold for a small town
- 90 of the houses have no direct overlooking or view of a public space.
- Residents of Netown Manor have not agreed to any permeability routes through their housing estate.
- Developers have designed the development on the basis that there will be future connections to the adjoining housing developments, which is not the case.
- Board has previously expressed concern in relation to this element and these concerns are still relevant.

- Application is premature pending these developments.
- Material contravention should be alarming to the Board.
- Development cannot rely on crèche facilities in a town 11km from Kill.
- Kildare County Childcare Committee have not approved the omission of a crèche facility in such a large development.
- Surprised applicants were able to get some much detail over the phone.
- The SIA is completely flawed and is based on Naas, not Kill.
- Kill does not have adequate social infrastructure to support this development
- Design has not relation to the adjoining development.
- Object to the 3 storey houses.
- The character areas are dominated by parking areas, not green spaces.
- If this development is granted, the housing allocation for Kill will be practically exhausted.
- No evidence that the development is needed.
- May lead to considerable vacant properties are a long development construction period.
- Houses may be built on the green space proposed.
- Will encourage car use.

The Stables Residents Association

- Insufficient wastewater infrastructure to accommodate development.
- The exact completion date of Contract 2B of the Upper Liffey Valley Sewerage Scheme will be completed.
- A long phased out development of up to five years would be bad practice and irresponsible planning – could lead to an unfinished ghost estate.
- Infill sites are generally already served by public infrastructure such as transport, water, wastewater and other utilities.

- Request that Block A be excluded from the development or at a minimum moved further South-East on the development and reduced to two story, due to its impact on/proximity to The Stables.
- Three storey apartment blocks will be out of character with the established built environment.
- Existing apartments in Newtown Manor development remain unsold.
- Development at Kilheale Manor did not include any apartments despite being closer to the centre of the village.
- Should be a better mix of units towards larger units suitable to families.
- Design of the three storey duplexes is ugly/no examples of this type of building in Kill.
- More suitable apartment design can be seen in other estates.
- Proposed boundary between the new access road and The Stables is completely inadequate/is of insufficient height/structurally inadequate.
- Request that height of the boundary wall is increased to 2m and that it also be a boundary wall with capping.
- Will be a considerable amount of traffic on the new proposed road.
- Will be noise from traffic/inclusion of fast growing shrubs/trees/hedging to combat traffic noise would have been appropriate/road will be the Primary Relief Road from Johnstown-Kill-Hartwell.
- Minimal traffic calming measures proposed for this road.
- Safety issues in relation to traffic existing from The Stables and from the Equestrian Centre.
- Application does not state that the facilities in Scoil Bhride Pre-School, Rose Cottage Playschool and The Garden Montessori do not offer full time childcare. – all three facilities offer pre-school and playschool places only.
- Insufficient school places.
- Fail to see how park will benefit wider community.

- Access route through Embassy Manor has not yet been agreed with residents/will cause significant extra traffic/parking.
- Access through the GAA would be more appropriate as there is Parking for additional cars using the park and the playground.
- No method of securing the park at night/ Can lead to anti-social behaviour.
- There is no reason to remove the hedgerow – is of significant value.
- Will add significantly to traffic volumes – traffic approaching from Hartwell is required to queue for a long period of time at peak times
- No traffic impact assessment or traffic survey appears to have been conducted by the applicant.
- There are no pedestrian crossings in Kill – safety issue
- There is no community centre/no Garda Station in Kill
- There is no additional public transport planned for Kill which would help to service any development – existing bus service is at capacity.
- Would like ABP to take into consideration future development on surrounding sites which are in the ownership of the applicant.
- Applicant did not contact The Stables residents.

7.0 Planning Authority Submission

7.1. Kildare County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

Principle/Nature of Proposal

- If the current (Newtown) and former (Kill Hill) SHD sites were developed as currently/formerly proposed, the total number of units would exceed the core strategy target for Kill for the period 2016-2023 by 54 no. units.

- Also potential for an additional 115 units on a residential zoned site at Hartwell Lower which would equate to 591 units therefore exceeding the core strategy to 2023 by 169 no. units.
- Decision has been taken to vary the County Development Plan has been taken and same is currently being prepared.
- Small Town of Kill is likely to maintain its current growth allocation of 1.3% of overall county growth.
- As per the NRF Roadmap and the RSES, the town of Kill should in the short-term plan for an additional 146 housing units.
- Considered that the proposed development of 147 no. residential units is premature and would be contrary to the NPF, RSES and the Core Strategy for Co. Kildare.
- Applicant has not considered the relevance of the Regional Spatial and Economic Strategy.
- Having regard to;
 - the Kildare Development Plan 2017-2023,
 - the role of small towns as set out in the plan,
 - the settlement strategy for Kill, including housing units allocation and settlement strategy objectives SO4, SO9 and SO11,
 - the forthcoming Variation of the Kildare County Development Plan, the excessive density proposed.
 - The Childcare Facilities Guidelines (2001)

it is considered that the proposed development of 147 units at a net density of 37 units/ha would contravene materially the Core Strategy of the Kildare County Development Plan, would be premature pending the adoption of a reviewed Core Strategy in accordance with RESES,

- In the absence of necessary supporting social infrastructure would have a negative effect on the character, context and function of Kill Small Town.

- The proposal is not consistent with the following objectives of the Development Plan.
- Table 4.2 indicative Density Levels which state for edge of small Town/Village = 15-20 units/ha – proposal is at a density of 37 units per ha.
- SO 4 - Scale and form of development to be appropriate for their position in the settlement hierarchy – density too high for site on edge of small town – 4th tier town in settlement hierarchy.
- SO 11 – Consider revisions to settlement strategy bases on RSES by way of variation of Plan – proposal is premature pending outcome of the Variation to the CDP following requirements of the RSES.
- Housing Unit Allocation to Kill to 2023 = 422 units – 147 units on the subject site. Taken in conjunction with other SHD sites, extant permissions and potential deliverable in Kill, there is potential for 169 units in excess of the Core Strategy allocation.
- Contrary to provisions of the Kill Small Town Plan 2017-2023 as relates to local employment opportunities, social inclusion, development of community facilities and infrastructure to cater for the residents of the town. – Other than the road and park, there is no other social, community or employment infrastructure proposed.
- Also provisions of the Kill Small Town Plan 2017-2023 as relates to ability of local services to cater for growth – local services are limited in the town and no childcare facility is proposed.
- Not considered the site is of such strategic or national importance to allow for the level of density proposed.
- Site is considered an Edge of a Small Town, as per the Building Height Guidelines, 3 storey apartment development is not considered appropriate.
- Insufficient justification in relation to the lack of a childcare facility.
- Needs analysis indicated that services for children aged under two were lacking
- Site is over 1.3km south-west of the town centre by current road/footpath provision – no definite agreements to facilitate future links

- Open space provision within residential zoned lands is deficient – only 6% - other SHD site at Kibelin, Newbridge – 15% open space was provided.
- Quality of open space provision - insufficient details re SUDS proposals on the lands, play equipment, boundary treatment and tree/hedgerow proposals.
- Concerns re quality of design of the proposed duplex apartments and excessive use of external stair access to same
- Use of hotpress space as general storage/open plan storage zones within rooms is contrary to development management standards.

The Planning Authority Recommends that permission be **Refused** for the following two reasons.

Reason No. 1

Having regard to:

- The Kildare County Development Plan 2017-2023 (CDP) which designates Kill as a Small Town within the Hinterland Area;
- The role of Small Towns to develop as key local centres with levels of growth to cater for local need at an appropriate scale;
- The Settlement Strategy of the CDP which allocates (1.3%) of the County's population to Kill for the period 2017-2023;
- The new dwellings target of 422 units identified for Kill Small Town in the CDP during the period up to 2023;
- The Settlement Strategy Objectives SO4, SO9 and SO11 of the Kildare CDP;
- The forthcoming Variation of the Kildare CDP to accord with the growth targets set out in the Regional Spatial and Economic Strategy for the Eastern and Midland Region and the provisions for Ireland 2040 set out in the National Planning Framework;
- The excessive density proposed relative to the indicative density levels applicable to edge of small town sites, set down at Table 4.2 of the Kildare CDP;

- The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the companion Urban Design Manual – A Best Practice Guide, DEHLG (2009);
- The plans and particulars submitted by the applicant to An Bord Pleanála in respect of this Strategic Housing Development application,

it is considered that the proposed development would be premature pending the adoption of a variation of the Kildare County Development Plan 2017-2023 regarding the Core Strategy, would materially contravene the settlement strategy objectives set out in the Plan, would set an undesirable precedent of similar SHD proposals of this scale and nature on edge of small town sites and would therefore be contrary to the proper planning and sustainable development of the area.

Reason No. 2

The proposed development would materially contravene the residential density objectives for edge of town sites in small towns in Kildare, would materially contravene the provisions of the Childcare Facilities Guidelines 2001 issues as Ministerial Guidelines under Section 28 of the Planning and Development Act 2000(as amended) for its failure to provide a childcare facility within the new housing area, would set an undesirable precedent for similar proposals of this scale and nature in small towns within the County and would therefore be contrary to the proper planning and sustainable development of the area.

- 7.1.1. It is further stated that having regard to the above, and to the objection in principle to the scale and density of the proposed development, it was not considered appropriate to provide conditions and reasons for same.

Housing Section Report

- Suggests conditions in relation to (i) storage spaces and (ii) need to enter into Part V agreement.

Environment Section Report

- No objection – 9 no. conditions are recommended.

Roads, Transportation and Public Safety Department

- No objection subject to 21 no. conditions. Those of note include:

Condition 1 – relating to sightlines at the six new junctions proposed.

Condition 2 – relating to filtered permeability, a pedestrian crossing and boundary treatment lighting.

Condition 3 – relating to traffic calming proposals.

Conservation Officer

- No Conservation input required at this scale.

Parks

Refusal recommended. Concerns highlighted in relation to the following:

- Open space – the application contains insufficient details regarding the main open space located in the north east of the proposed development.
- No details of protection measures in relation to groundwater, sould, ground gas or subsidence.
- Details required in relation to SuDS on open space areas.
- Insufficient open space between units on the north-western side.
- Insufficient detail in relation to the existing boundary hedgerow to the western boundary..

In the event that ABP Grant Permission conditions are required in relation to:

- Open space and protection measures
- SuDS details
- Additional open space for the amenity use of residents
- Details in relation to hedgerow
- Retain services of a qualified Arborist during construction period.
- Trees/tree protections/tree root zones/impact on lighting
- Land swap and the creation of a new entrance from the development to access adjacent open space and amenity lands
- Landscaping

- Boundaries treatments including a requirement for a Plint wall an rail to be provided along the southern boundary/wall to the south eastern side of the development
- Provision of future pedestrian links.
- Revised proposals for play areas.

Water Services

- No petrol interceptors shown on drawings.
- Effect on any underlying aquifers and other watercourses should be addressed.
- No objection subject to conditions.

Elected Members

7.1.2. A summary of the views of elected members as expressed at the Meeting of the Naas Municipal District held on the 15th October 2019 is included in Section 3 of the Chief Executive's Report and is reproduced below:

- Density – some members expressed concern that the proposed density is too high, others indicated no objection to the proposed density.
- Traffic impacts of the proposal on the town;
- Problems of traffic diverting through Kill;
- Too many houses – road should be constructed in advance;
- Problems with the existing combined sewerage system in Kill;
- Lack of childcare facility on site – houses need childcare;
- Promotion of fossil fuel usage on site – chimneys;
- Future Taking in Charge of the park – use of resources of the GAA;
- Trees in inappropriate locations in the park – keep spaces clear for playing pitches;
- Cycle lanes not seen on plans;
- Car based development;
- Provide for a gate to GAA grounds;

- Provide for pollinators;
- Apartment blocks and height of same – overloading houses in Kill;
- Need for a Community Hall in Kill;
- Solar panels on houses;
- Link to Embassy Manor;
- Query re: community use and land previously given over for such purpose in Kill – query the transfer of land.

8.0 Prescribed Bodies

Department of Culture, Heritage and the Gaeltacht

- Recommend conditions in relation to archaeology and tree planting.

Irish Water

- Based upon the details provided by the developer and the Confirmation of Feasibility issued, Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection to the Irish Water network can be facilitated.

HSE

- Re construction noise - Recommended that a complaints procedure is outlined and implemented by the applicant to deal with issues of nuisance in a timely manner as they arise. It is also recommended that the developer has cognisance of BS4142: when investigating noise complaints.
- Re traffic noise - recommend the applicant predicts the impact of traffic noise from the motorway and carries out an evaluation of the significance of this impact in line with the health based guidelines as outlined by the WHO. Any necessary noise insulation measures shall be implemented.
- Re open space - Greater consideration should be given to the 'greening' of the streetscape and proposed pedestrian walkways throughout the development. This will also facilitate the movement of fauna thus increasing biodiversity on the site.

- Re play spaces - recommended that a process that enables consultation with children and young people in the development and implementation of programmes and facilities in which they are involved, i.e. playgrounds, activity centres and public spaces, should be developed.
- Re cycling - recommend the needs of the cyclists should be considered throughout the housing and recreational development
- Principles of universal design and designing our crime should be incorporated.
- The proposed housing development should be designed so as to reduce its carbon footprint and minimise requirements for energy and water.
- Waste

Transport Infrastructure Ireland

- Proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted.

9.0 Screening

9.1. Environmental Impact Assessment (EIA) Preliminary Assessment

- 9.1.1. The applicant has submitted an Environmental Report which includes Screening for Environmental Impact Assessment. The report concludes that an EIA of the proposed development is not required.
- 9.1.2. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 9.1.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Construction of more than 500 dwelling units

- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

9.1.4. The proposed development involves 147 residential units a site of 6.5ha. It is below the threshold of 500 units. The site could be considered part of the built up area of Kill Town but is below the threshold of 10 ha for such a location. It is also significantly below the 20 Ha threshold for other locations. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

9.1.5. As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects. This preliminary examination has been carried out and it is concluded that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

9.2. **Appropriate Assessment (AA) Stage I Screening**

9.2.1. An Appropriate Assessment Screening Report (dated September 2019) was submitted with the application. I have had regard to the contents of same. This report concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects to the Natura 2000 network.

9.2.2. The development site is not within or directly adjacent to any Natura 2000 site. The following designated sites are within 15 km of the development site:

Table 9.1		
Site (site code)	Distance from site	Qualifying Interests
Red Bog, Kildare SAC (000397)	6.4km south-east	7140 Transition mires and quaking bogs
Poulaphouca Reservoir SPA (004063)	9.2km south-east	A043 Greylag Goose (<i>Anser anser</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)
Wicklow Mountains SAC (002122)	11.6km south-east	3110 Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) 3160 Natural dystrophic lakes and ponds 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> 4030 European dry heaths 4060 Alpine and Boreal heaths 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> 6230 Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe)* 7130 Blanket bogs (* if active bog) 8110 Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) 8210 Calcareous rocky slopes with chasmophytic vegetation 8220 Siliceous rocky slopes with chasmophytic vegetation

		91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 1355 Otter (<i>Lutra lutra</i>)
Ballynafagh Bog SAC (000391)	12.5km north-west	7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
Ballynafagh Lake SAC (001387)	12.7km north-west	7230 Alkaline fens 1065 Marsh Fritillary (<i>Euphydryas aurinia</i>) 1016 Desmoulin's Whorl Snail (<i>Vertigo moulinsiana</i>)
Mouds Bog SAC (002331)	12.9km south-west	7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the Rhynchosporion
Glenasmole Valley SAC (001209)	14.8 east	6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) 6410 Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) 7220 Petrifying springs with tufa formation (Cratoneurion)*
Wicklow Mountains SPA (004040)	14.7km	A098 Merlin (<i>Falco columbarius</i>) A103 Peregrine (<i>Falco peregrinus</i>)

Potential Effects on Designated Sites

- 9.2.4. The proposed development would not be in or immediately adjacent to any Natura 2000 site. The nearest Natura 2000 site is Red Bog, Kildare SAC (site code 000397) a distance of 6.4km south-east of the site, as set out above, with a further 7 no. Natura 2000 sites within a 15km radius of the site. In relation to the sites set out in the table above, the only site within the zone of influence, is Poulaphouca Reservoir SPA (Site Code 0004063), as a result of the extraction of drinking water to serve the proposed development. There are no obvious pathways to any of the other Nature 2000 sites listed in the table above.
- 9.2.5. As well as the Poulaphouca Reservoir SPA, it is considered that the coastal sites as listed in Table 9.2 below are within the zone of influence, given that there is a potential hydrological pathway arising from surface water and foul discharge from the site, the path of which would go via the Osberstown Wastewater Treatment Plant and finally discharging to Dublin Bay, via the River Liffey, with a potential impact on the coastal sites listed below.

Site (site code)	Distance from site	Qualifying Interests	Conservation Objectives
Poulaphouca Reservoir SPA (004063)	c9.2km south-east	A043 Greylag Goose (<i>Anser anser</i>) A183 Lesser Black-backed Gull (<i>Larus fuscus</i>)	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
South Dublin Bay	c27.6km north-	Light-bellied Brent Goose	To ensure the

<p>and River Tolka Estuary SPA (004024)</p>	<p>east</p>	<p>(Branta bernicla hrota) [A046]</p> <p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Ringed Plover (Charadrius hiaticula) [A137]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Roseate Tern (Sterna dougallii) [A192]</p> <p>Common Tern (Sterna hirundo) [A193]</p> <p>Arctic Tern (Sterna paradisaea) [A194]</p> <p>Wetland and Waterbirds [A999]</p>	<p>favourable conservation conditions of each bird and habitat in question, which is defined by way of a list of attributes and targets.</p>
<p>South Dublin Bay</p>	<p>c27.6km north-</p>	<p>Mudflats and sandflats not covered by seawater at</p>	<p>To maintain the favourable</p>

SAC (000210)	east	<p>low tide [1140].</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by a list of attributes and targets.</p>
North Bull Island SPA (004006)	c30.8km north-east	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p>	<p>To ensure the favourable conservation conditions of each bird and habitat in question, which is defined by way of a list of attributes and targets.</p>

		<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>	
North Dublin Bay SAC (000206)	c30.8km north-east	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes</p>	To ensure the favourable conservation conditions of each habitat in question, which is defined by way of a list of attributes and targets.

		<p>[2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>[2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>	
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9.2.12. Having regard to the distance from the site to the sites identified in Table 9.2 above, there is no pathway for loss or disturbance of species listed for any of the listed Natura 2000 sites.

9.2.13. During the construction and operational phase of the development, there are potential impacts relate to surface water run-off and foul water drainage. In relation to surface water, rainwater will either percolate to ground in green areas, or will be collected and discharged to local authority sewers. Foul water will be discharged to a local authority foul sewer. However, I consider that the distances are such that any pollutants would be diluted and dispersed, and ultimately treated in the Osberstown Wastewater Treatment plant, and I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

9.2.14. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Kildare area. This can act in a cumulative manner through increased volumes to the Osberstown WWTP. The delivery of housing is catered for through land use planning by the Kildare County Development Plan 2017-2023. This has been subject to AA by the planning

authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Osberstown WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

AA Screening Conclusion

9.2.15. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area and the distances to the nearest European sites, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

10.0 Assessment

10.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Principle of Development/Core Strategy/Density
- Building Height, Design and Layout
- Residential Amenities
- Quality of Residential Accommodation
- Traffic and Transport
- Site Services
- Flood Risk
- Childcare
- Other Issues

10.2. Principle of Development/Core Strategy/Density

Principle

- 10.2.1. I note the nature and scale of the development proposed, namely an application for 147 no. residential units on lands which are zoned 'Objective C, New Residential' which seeks to 'provide for new residential development and other services incidental to residential development' within the operative County Development Plan.
- 10.2.2. A park of approximately 1.806 ha on the north-eastern part of the site, on lands zoned Objective F 'Open Space and Amenity'.
- 10.2.3. Having regard to the above zoning objectives I am satisfied that the proposal as provided for in this current application is acceptable in principle and is in accordance with the provisions of the National Planning Framework with regards to the sustainable development of such sites. The appropriate development of this site represents a sequential approach to development, and is to be welcomed in principle. Therefore, having regard to all of the above, the proposal is considered acceptable in principle.

Core Strategy

- 10.2.4. The Planning Authority have stated that the proposal is a material contravention of the settlement strategy objectives set out in the Kildare County Plan 2017-2023, and is premature pending the adoption of a reviewed Core Strategy in accordance with the Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019).
- 10.2.5. The PA note that the Housing Unit Allocation to Kill to 2023 is 422 units. It is stated that if this site, and the Kill Hill SHD site (see planning history above as relates to applications 303298-18 and 300558-18), were developed as currently/formerly proposed, the total number of units would exceed the Core Strategy target for Kill for the period 2016-2023 by 54 no. units.
- 10.2.6. It is also stated that there is also potential for an additional 115 units on a residential zoned site at Hartwell Lower, which would equate to 591 units therefore exceeding the Core Strategy to 2023 by 169 no. units.
- 10.2.7. It is further stated that a decision has been taken to vary the County Development Plan has been taken and same is currently being prepared. Without prejudice to the

final outcome of this Variation, it is stated that Kill is likely to maintain its current growth allocation of 1.3% of overall county growth. The PA consider, that, as per the NPF Roadmap and the RSES, the town of Kill should, in the short-term plan, for an additional 146 housing units.

10.2.8. The Applicants refer to Table 1.1 of Volume 2 of the Plan which noted the unit target of 422 for Kill. Table 1.2 incorporates a unit targets that incorporates 50% over zoning, resulting in a revised target allocation of 633 no. additional units.

10.2.9. A review of extant and implementable permissions in Kill identified 3 no. residential permissions in Kill that have yet to be commenced, providing a total of 38 no. units. It is noted that commenced (152 units) and extant (38 units) developments in Kill could potentially provide yield 190 no. units, assuming that all of the extant developments are implemented. A balance of 232 no. additional units would be required to be constructed by 2023 in order to meet the housing allocation target.

10.2.10. The proposed development of 147 units, in combination with extant and commenced developments, will provide a total of 337 no. units in Kill, incorporating lands zoned for existing residential infill (Objective B) and approximately 12.5 ha of land zoned Objective C, new residential. Accordingly, the Applicant's contend that the proposed development taken in conjunction with under construction and extant permissions, is substantially below the core strategy allocation to Kill of 422 no. units, is consistent with the core strategy and will assist in meeting the Core Strategy allocation of the Kildare County Development Plan 2017-2023.

10.2.11. It is noted that there are two applications for 124 no. units currently under consideration by Kildare County Council on approximately 5.7 ha zoned for residential development to the east of the site under Reg. Ref. 19/886 (58 no. units on c.2.8ha), and Reg. Ref. 19/885 (66 no. units on c.2.9ha). In this regard, extant permissions (38 no. units), commenced developments (152 no. units), and current applications (124 + 147 = 251) if granted, would yield 461 additional housing units, approximately 39 no. units (c.11%) over the housing allocation in the Core Strategy and Settlement Strategy of the current Plan.

10.2.12. I note that the PA have not questioned explicitly the figures provided by the applicant above. I also note that the PA have included sites which do not have currently have planning permission and should not be counted towards housing allocation. In my

view the figures that should be considered are the proposed development of 147 units, in combination with extant and commenced developments, will provide a total of 337 no. units in Kill, under the Core Strategy Allocation of 422 units, and well under the 633 unit target which incorporates the 50% over-zoning. Notwithstanding, should the applications that are currently being considered by Kildare County Council be granted permission, the total number of units would still fall below the 633 units noted above. As such the proposal will not breach the housing allocation for Kill, as provided for under the current Development Plan. As such I do not concur with the view of the Planning Authority that the proposal for 147 housing units would represent a material contravention of the settlement strategy objectives set out in the Kildare County Plan 2017-2023.

Density

- 10.2.13. A net density of 37 units/ha is proposed. I note that Item 3 of the Pre-Application Opinion requested a plan that indicates the areas that have been excluded for the calculation of net density. This plan has been provided and I am satisfied that density has been calculated as per Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas.
- 10.2.14. The Planning Authority consider that the proposed density is not consistent with a number of objectives in the Development Plan, as relates to density and form, including Table 4.2 of the CDP, which outlines indicative density levels, and SO 4 which states that the scale and form of development should be appropriate for their position in the settlement hierarchy. In their second recommended reason for refusal, the Planning Authority state that the proposed development would *inter alia* materially contravene the residential density objectives for edge of town sites in small towns in Kildare.
- 10.2.15. Table 4.2 of the CDP states that, for locations at the 'edge of small Town/Village', a density of 15-20 units/ha will be sought.
- 10.2.16. The Applicant is also of the opinion that the proposed net density of 37 units per hectare represents a material contravention of the County Development Plan, specifically Tables 4.1 and 4.2 as relates to appropriate locations for residential development and indicative densities. A Material Contravention Statement has been submitted with the application documentation and I have had regard to same.

10.2.17. In summary, the Material Contravention submits that the proposed density is appropriate having regard to the context and character of the site and adjoining development, the compact nature of Kill, the proximity of the site to the urban core, the infill nature of the site, the unit mix incorporating a high proportion of 1 and 2 bed units, and national policy that supports the efficient use of zoned and serviced land suitable for residential development.

10.2.18. The Applicants also refer to the Board's second reason for refusal for the proposed residential development at Kill Hill (Ref. Ref. 300558-18), located on the eastern site of the town, and at a similar distance from the centre, which stated that a net density of 26 units per hectare would not provide for an acceptable efficiency in land use and would be contrary to the SRDUA Guidelines.

10.2.19. I note that Table 4.1 of the Kildare County Development Plan provides guidance on appropriate locations for new residential development, which is sourced from the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009). For an edge of small town/village, densities of less than 15 – 20 dwellings per hectare along or inside the edge of smaller towns and villages, as long as such lower density development does not represent more than 20% of the total new planned housing stock of the small town or village in question. This is as per the Sustainable Residential Development Guidelines.

10.2.20. Table 4.2 of the CDP goes on, then, to outline indicative density levels for residential development, depending on location, and for edge of small town/villages a density of 15-20 units per ha, with a lower density in some cases, is outlined. These density levels, however, are not in line with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), as the reference to the limited provision of such densities (i.e. not more than 20% of the new planned housing stock) is not made within the table.

10.2.21. Objectives LD01 and LD03 of the CDP state that density of residential development should be in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

10.2.22. In my view, a density of 37 unit/ha is in accordance with the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009), in particular Section 5.11 of the Guidelines which state

that 'development at net densities of less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares'. Following from this then, the proposed density is also in line with Objectives LD01 and LD03 of the County Development Plan.

10.2.23. Paragraph 3.4 of the Building Heights Guidelines (2018) state the following: 'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. The proposal is therefore in line with the this guidance.

10.2.24. I concur that the proposal is not in compliance with Table 4.2 of the CDP, given that the proposed density represents an 85% increase over the maximum density of 20 units/ha, as outlined in the table. However this table gives indicative density levels and is not a specific objective of the plan, nor is the table referred to in any specific objectives of the plan. As such, in my view, the proposal does not materially contravene an objective of the Kildare County Development Plan 2017-2023.

10.2.25. As noted above, the Board previously considered that a proposed density of 26 units /ha, as proposed under a previous SHD application at Kill Hill (Ref. Ref. 300558-18), would not provide for an acceptable efficiency in land use and would be contrary to the SRDUA Guidelines. As such, should the Board be minded to approve this proposal, the Board would be consistent in its approach to development on the edge of Kill, in seeking and allowing a higher density than outlined in Table 4.2 of the Development Plan.

10.2.26. Furthermore, and further to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Building Heights Guidelines (2018), policy at national level seeks to encourage higher densities at appropriate locations. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. I consider that the application site complies with those objectives

and supports government policy seeking to increase densities and thereby deliver compact urban growth.

10.2.27. In conclusion, I consider the density to be acceptable in principle, having regard to national and local policy.

10.3. **Building Height, Design and Layout**

10.3.1. The proposed development comprises of 103 no. houses, 36 no. Apartment/Duplex units in 3 no. three storey blocks (Blocks A, B &C), and 8 no. Maisonette units in 2 no. two storey blocks (Blocks D1 & D2). A range of dwelling types are proposed, including terraced, semi-detached and detached houses of two storeys. Apartment/Duplex units are provided along the south-western boundary of the site and maisonette units are provided in the north-western portion of the site.

Height

10.3.2. Section 17.2.1 KCDP states the following regarding building heights: 'The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing.
- The formation of a cohesive streetscape pattern, including height and scale of proposed development relative to width of street or area of open space

10.3.3. Paragraph 3.4 of the Building Heights Guidelines states the following: 'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards).

10.3.4. Kildare County Council do not consider the provision of a 3 storey apartment development on this site is appropriate, having regard to its location on the edge of a small town, and the first recommended reason for refusal refers to the scale and nature of the proposal.

10.3.5. A number of third party submissions also refer to the excessive height of the 3 storey apartment blocks.

10.3.6. The majority of the dwellings are 2 storeys in height, with the 36 apartment/duplex units in 3 no. three storey blocks to the south-west of the site. I note that the

Embassy Manor Estate to the north, while predominantly 2 storeys in height, also has terraces of 3 storeys. As such, the proposal is generally in keeping with the prevailing building height and reflects the need for more efficient land use and increased densities. There is sufficient setbacks from the existing housing to the north (Embassy Manor), to the east (Newtown Manor Estate) and to the south (The Stables). As such, the height as proposed responds to the context of the site.

Layout

- 10.3.7. The layout follows the L shaped form of the residential zoned land, and it is this zoning which dictates the overall form and layout. The proposed spine road forms the boundary to the west and the south. The internal layout is relatively informal with minor estate roads generally leading to the large open space area in the centre of the site. There are more minor areas of open spaces interspersed throughout the development, which are well overlooked by the proposed housing. Lower heights are generally within the development, with the larger 3 storeys fronting onto the proposed road, providing a street frontage along this road.
- 10.3.8. Overall, the proposed layout is considered to be acceptable.

Detailed Design

- 10.3.9. In terms of detailed design, the quality of finish and materials is considered to be high, and the overall appearance is of vernacular housing which references the predominant housing type in the surrounding area.
- 10.3.10. There is variety in the house types proposed (House Types A to E), with wider frontage and double-frontage houses utilised at various points throughout the development, as well as terraced, semi-detached and detached dwelling interspersed throughout the development. The scheme benefits greatly from this variety and it presents a scheme of visual interest. The variety in the use of materials, such as a mix of painted render and brickwork also add visual interest, as do the more subtle points of including a variation in front door colour.

Public Realm

- 10.3.11. While there is car parking allocated to all of the houses and duplex/maisonettes, these spaces do not dominate the public realm and there is sufficient softening of the

landscaping provided by planting, and variety in the use of road and surface finishes to ensure a high quality public realm.

Permeability

10.3.12. The proposal provides for future vehicular, cycle and pedestrian links. While I note the provision of such links through Embassy Manor Estate is not within the applicant's control, and indeed the residents of Embassy Manor Estate object to such provision, the future provision of same is desirable from a sustainable development perspective, and would facilitate greater access to the town of Kill by way of walking and cycling. However, a condition requiring the provision of this link would not be reasonable, given the ownership issues relation to same.

10.4. Residential Amenities

Neighbouring Residential Amenity

10.4.1. I note a third party submission has cited concerns in relation to the proximity of the proposed development to the existing properties at the Stables Estate. The closest dwellings to these properties are approximately 57m distance. As such there will be no overlooking, overshadowing and the proposal will not appear overly dominant when viewed from these houses.

10.4.2. Concern was raised also in relation to the proximity of the proposed spine road to The Stables Estate, and the insufficient boundary treatment to same, and the lack of noise mitigation measures. This spine road is approximately 36m from the closest dwelling in The Stables. I consider that boundary treatment proposed, a 1.2m high timber post and rail fence is appropriate in this instance, having regard to the visual impact of same. I consider that there is sufficient distance from the spine road to the properties at The Stables to ensure that no material impacts result on these properties, having regard to noise.

10.4.3. In terms of the impact on the Newtown Manor Estate to the east, I note the nearest dwelling is set back 23.7m from the closest proposed dwelling. There will be no material overlooking, overshadowing or impact on visual amenity as a result of this proposed development.

10.4.4. In terms of the impact on the Embassy Manor Estate, I note the nearest dwelling is located 18.7m from the nearest proposed dwelling. There are no directly opposing

windows and as such no material overlooking will occur. I do not consider that the proposal would result in any other impacts on the amenity of the residents of Embassy Manor Estate.

Drainage Pump

- 10.4.5. Item 9 of the Pre-Application Opinion requested information in relation to the proposed drainage pump, specifically in relation to its potential impacts on residential amenity in terms of noise and odours.
- 10.4.6. In response the applicants have noted that the proposed pump station is located over 20m from the nearest property, in excess of the minimum 15m separation distance required by Irish Water, and will negate any potential noise issues arising. Odours within the pump station shall be catered for by the installation of a chemical dosing system and aeration system, subject to agreement with Irish Water. I am satisfied that no impact on amenity will result from the drainage pump.

Quality of Residential Accommodation

- 10.4.7. The following assessment considers the quality of the proposed residential development with regard to the 'Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities' 2018; the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' and the associated Urban Design Manual; Quality Housing for Sustainable Communities 2007; the Kildare County Development Plan 2017-2023, including the Kill Small Town Plan.
- 10.4.8. The application includes an Apartment and Housing Quality Assessment and I have had regard to same.

Overall Mix

- 10.4.9. The mix of units consists of 14 no. one bed dwellings; 51 no. two bed dwellings; 63 no. three bed dwellings; and, 19 no. four bed dwellings. The proposed mix provides for a variety of household types and is in line with Objective MDO 1 of the Kildare County Development Plan which requires a wide variety of housing types.

Houses

The houses comply with the minimum standards as set in Quality Housing for Sustainable Communities 2007, as relates to floor area, minimum room sizes and storage areas.

Apartments

10.4.10. Specifically in relation to the 44 no. apartment/maisonette/duplexes that are proposed the relevant standards are outlined in Sustainable Urban Housing: Design Standards for New Apartments (2018).

10.4.11. In terms of the mix proposed, the proposal is for 14 no. 1 bed apartment/maisonettes (31.8 % of the 44 apartment/maisonette/duplexes units) and 30 no. 2 bed apartment/maisonettes . This is in line with SPPR 1 of Design Standards.

Floor Area

10.4.12. The apartment/maisonette/duplexes all exceed the minimum floor areas required with 86% of the units exceeding the minimum floor areas by more than 10%.

Dual Aspect

10.4.13. No single aspect units are proposed.

Private Amenity Space

10.4.14. The apartment/maisonette/duplexes will have private amenity space in the form of gardens/terraces for the ground floor units, and terraces/balconies at the upper floors, all of which exceed the minimum standards.

Open Space/Landscaping

10.4.15. Section 17.4.7 'Public Open Space for Residential Development' of the Kildare County Development Plan states that, for greenfield site, a minimum of 15% of the total site area shall be provided as open space. The proposed development also includes a landscaped open space park area of 1.806 ha on lands zoned Objective F 'Open Space and Amenity' with other areas of open space provided within the residential estate.

10.4.16. The Landscape Public Realm Report sets out that the proposed landscaping strategy for the proposed development and I have had regard to the contents of same.

10.4.17. Overall the proposed development provides approximately 2.046 ha (31.5% of the subject site) of public open space, in line with the minimum requirements as set out in the Development Plan.

10.4.18. I consider the overall provision of open space, and layout and location of same, to be acceptable and will provide a welcome amenity for both residents of the proposed development, and for the wider community as a whole.

10.5. **Traffic and Transport**

10.5.1. A Traffic Impact Assessment has been submitted with the application and I have had regard to same.

Proposed Spine Road

10.5.2. The proposal includes a link street which extends the existing road at the south-eastern entrance to the site, follows the southern and eastern boundaries of the site to the north-western corner of the applicant's landholding. The road extension allows for future vehicular and pedestrian connection to lands to the south, south-west and west of the site. It also delivers the majority of the link from the Hartwell Road to the Kill-Johnstown Road as per Objective KL 14 and the Kill Objectives Map (Figure V2-1.5B) of the Kill Small Town Plan.

Impact on the surrounding road network

10.5.3. The Traffic Impact Assessment considers the impact of the proposed development on the existing road network, in particular 3 no. key junctions in the vicinity of the site. It is concluded that all junction approaches will continue to operate within their respective ultimate capacities with the proposed development in place. As such it is not considered that there will be a material impact on the surrounding road network as a result of this proposed development.

Car Parking

10.5.4. The proposed development includes the following car parking provision:

- 206 no. spaces to serve the 103 no. houses (174 no. in-curtilage spaces and 32 no. on-street or courtyard spaces);
- 55 no. spaces to serve the 44 no. apartment and maisonette units (44 no. assigned residents' spaces and 11 no. visitor spaces); and

- 21 no. additional visitor spaces.

10.5.5. The proposed provision for both the houses and apartments is in line with the standards as set out in the Kildare County Development Plan and as set out in the Sustainable Urban Housing: Design Standards for New Apartments (Guidelines for Planning Authorities).

Cycle Parking

10.5.6. A total of 96 cycle parking spaces (74 residents/22 visitor) have been provided to serve the 44 no. apartment and maisonette units, and this is in line with the Apartment Guidelines.

10.5.7. There are no standards set out in the Kildare County Development Plan in relation to cycle parking provision for housing. However there is sufficient amenity space allocated to each dwelling to allow for bicycle parking/storage in the curtilage of each unit.

10.6. **Site Services**

Upper Liffey Valley Contract 2B Sewerage Scheme

10.6.1. Item 1 of the Pre-Application Opinion which issued from An Bord Pleanála referred to the need for updated information as they relate to the wastewater infrastructure constraints in the network serving the proposed development, in particular as it relates to Contract 2B of the Upper Liffey Valley Sewerage Scheme.

10.6.2. In relation to this current application, the applicant has provided a detailed response to this issue, prepared by CS Consulting. The response confirms that Contract 2B of the Upper Liffey Valley Sewerage Scheme has received ministerial approval to proceed following from the confirmation of all other required statutory consents and approvals. CS Consulting has confirmed with Irish Water that physical works are scheduled to begin in Q4 2019, with the overall project scheduled for completion in early 2022, with the works required for Kill and its immediate environs may be completed before 2022 and that full connection for all units could be possible in late 2020/early 2021.

10.6.3. The submission also states that Irish Water has confirmed a number of residential units in the development could be accommodated with an interim connection prior to completion of Contract 2B in 2022, subject to the applicant entering into a Project

Work Services Agreement (PWSA) with Irish Water. The PWSA will provide for the carrying out of further detailed investigations by Irish Water to confirm the current available capacity of the local network, any local infrastructure upgrades that might be required for such an interim connection or any misconnections that if removed would increase capacity of the foul network for the interim connection. The applicant would contribute a relevant portion of the cost of works for such upgrades, if identified and necessary for an interim connection, if such a connection would be required. The applicant has agreed to enter into the agreement and Irish Water is currently drawing up the PWSA for review, noting that such an interim connection may not be necessary considering the imminent implementation of Contract 2B and necessary works for Kill.

- 10.6.4. I refer to a previous SHD applications at Kill Hill and Earls Court, Kill Co. Kildare (ABP-300558) for 130 no. dwellings which was refused by the Board for 3 no. reasons. The first reason for refusal in Ref. 300558-18 related to sewerage infrastructure and specifically stated that having regard to the existing deficiency in the provision of adequate sewerage infrastructure serving the subject site, it is considered that the proposed development would be premature pending the carrying out and completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme.
- 10.6.5. I also refer to subsequent SHD application on this site (ABP-303298-18) for 136 dwellings. This was refused by the Board for 2 no. reasons, unrelated to capacity at the Upper Liffey Valley Sewerage Scheme, Contract 2B. In her report, the Inspector stated that she considered that the previous reason for refusal has been overcome in relation to the Upper Liffey Valley Sewerage Scheme, Contract 2B and noted that, since the previous refusal on site, the issue has progressed, the Order has been confirmed for the Upper Liffey Valley Sewerage Scheme, Contract 2B (ABP Ref 302370) and it is stated these works are now on Irish Water investment plan for 2021.

Phasing

- 10.6.6. Item 2 of the Pre-Application Opinion requested a detailed phasing plan, that takes into account any infrastructure constraints as identified in Item 1.
- 10.6.7. The applicants are proposed to phase the development as follows:

- Phase 1 includes the construction of 60 no. units and all open space areas in the southern portion of the site, 1 no. ESB substation, the entirety of the link street from the south-eastern site entrance to the north-western boundary, the pumping station and the southern portion of the proposed park;
- Phase 2 includes the construction of 52 no. units and a central portion of the proposed park;
- Phase 3 includes the construction of 35 no. units, 1 no. ESB substation and the northern portion of the proposed park.

10.6.8. The CS Consulting Engineers response notes that subject to a grant of permission in Q1 2020, the applicant shall seek to commence works on site in Q2 of 2020 with Phase 1. It is expected that the 60 no. units in Phase 1 would require a connection to the Irish Water network in Q1 of 2021, in advance of the scheduled completion date of the entirety of works covered under Contract 2B of the Upper Liffey Valley Sewerage Scheme in 2022.

10.6.9. However, as previously noted, Irish Water have advised that connection may be feasible in Q1 of 2021 should the specific elements of the Contract 2B of the Upper Liffey Valley Sewerage Scheme that serve the Kill area be completed in advance of the 2022 completion date.

10.6.10. In the event that Contract 2B works to the Kill area are not completed in Q1 of 2021, then the applicant can consider the outputs from the PWSA. Irish Water have confirmed that the PWSA will take approximately 6 months to complete (February - July 2020) and will confirm what capacity is available or can be made through local upgrade works or removal of misconnections. If capacity can be made available, then the applicant shall proceed to seek interim connection from Irish Water for the Phase 1 units in Q1 of 2021.

10.6.11. The remaining units of the development shall be constructed to align with the completion of the Kill element of works of Contract 2B of the Upper Liffey Valley Sewerage Scheme. Therefore, this demonstrates that the development is not premature and can be constructed within the 5 year life of the permission when granted with the completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme.

10.6.12. A pre-connection enquiry report from Irish Water is included with the application, as required. This stated that based upon the details provided and on capacity currently available as assessed by IW, that subject to a valid connection agreement being put in place, the proposed connection to the IW network can be facilitated. It further states that in order to accommodate the proposed wastewater connection, upgrade works are required to increase the capacity of the Irish Water network. Irish Water currently has the project (Upper Liffey Valley Contract 2B) on their current investment plan which will provide the necessary upgrade and capacity. This upgrade project is scheduled to be completed by 2021 (this may be subject to change) and the proposed connection could be completed as soon as practicably possible after this date.

10.6.13. A report received by An Bord Pleanála from Irish Water states that based upon the details provided by the developer, they confirm that subject to a valid connection agreement being put in place, the proposed connection to the IW network can be facilitated.

10.6.14. I note that Kildare County Council have not raised an objection to the application, having regard to infrastructure constraints.

Conclusion

10.6.15. Having regard to the information provided by the applicants, including the proposed phasing arrangements, having regard to previous decisions of the Boards as relates to housing applications in Kill, having regard to the lack of objection from Kildare County Council and having regard to the report from Irish Water, I am satisfied that subject to the necessary conditions, the proposal is not premature and there is, or will be in the near future, sufficient capacity to serve the proposed development.

Foul

10.6.16. The proposed foul water network will collect all foul effluent generated by the proposed development, flow to the south-western corner of the site and outfall to a proposed foul pumping station. All foul effluent will be pumped via a pressurised rising main to the existing foul network in Kill Village, approximately 815m away. It is noted that the foul effluent generated by the proposed development is completely separated from all surface water flows, including post attenuation storm water flows, minimising the impact on the receiving drainage infrastructure.

Surface Water

- 10.6.17. The proposed drainage system incorporates a cascaded attenuation design in 7 catchment areas, providing 8 attenuation systems consisting of 1 no. swale, 5 no. storage tanks and 2 no. oversized tank sewers. Surface water runoff from each catchment area shall be limited by a hydrobrake to greenfield runoff rates.
- 10.6.18. The drainage design also utilises permeable paving in driveways and soakaway trenches in rear gardens to provide additional infiltration to ground.
- 10.6.19. I note that neither the Environment or Water Services Section of Kildare County Council have raised an objection to the proposed foul and surface water drainage arrangements.
- 10.6.20. Having regard to the above, I consider that the proposed arrangements for foul and surface water are acceptable, subject to conditions.

10.7. Flood Risk

- 10.7.1. Section 5.0 of the Engineering Services Report outlines a Flood Risk Assessment. This notes that the site falls within Flood Zone C and the site is not at risk from Fluvial, Tidal, Pluvial Flooding or Groundwater Flooding. In terms of increasing flood risk elsewhere, I note that storm water is to be attenuated, with the proposed attenuation tank to be sized for a 1 in 100 year storm event, plus 20% for climate change. Stormwater will then be released in a controlled manner.
- 10.7.2. Having regard to the information above, and information as accessed on www.floodinfo.ie¹ I am satisfied the site is not at risk of flooding from any of the sources listed above and I do not consider that the proposal will increase flood risk on this site or on surrounding sites, subject to conditions.

10.8. Childcare

- 10.8.1. No childcare facility is proposed. The Planning Authority consider that the proposal would materially contravene the provisions of the Childcare Facilities Guidelines 2001 issues as Ministerial Guidelines under Section 28 of the Planning and Development Act 2000(as amended) for its failure to provide a childcare facility within the new housing area.

¹ Accessed 04th December 2019

- 10.8.2. An assessment of childcare provision in Kill, in addition to the adjoining settlements of Johnstown and Naas, has been prepared and included in Section B2.4.1 of the Social Infrastructure Assessment (Appendix B of the Planning Report and Statement of Consistency) which outlines a justification for lack of same.
- 10.8.3. This states that proposal will generate a demand of 35 no. childcare spaces. The assessment identifies 11 spare places within existing facilities in Kill and Johnstown. Johnstown is approximately 3km from the town of Kill and as such I am satisfied that it would be within an acceptable distance of the proposed development. In addition the assessment identifies an unoccupied crèche within the adjacent Newtown Manor estate, with capacity for 45 spaces, and a crèche at Kilheale Manor, which is currently under construction, with capacity for 45 spaces. I am somewhat reluctant to accept that the crèche under construction at Kilheale Manor will, in fact, have capacity of 45, given that there will be demand from the residents Kilheale Manor once it is constructed. However I am cognisant of the fact that a crèche which has a capacity of 45 space is lying unoccupied in the adjacent estate, and I am also cognisant that the lack of childcare provision did not form a reason for refusal in a recent SHD application for 136 dwellings at Kill Hill and Earls Court, Kill. Co. Kildare (ABP Ref 303298-18).
- 10.8.4. As such, having regard to the information with the application and to the nature and scale of the proposed development, and having regard to the considerations above, it is not considered that the provision of a childcare facility would be warranted under the advice given at sections 2.4 and 3.3.1 and Appendix 2 of the Guidelines on Childcare Facilities issued by the minister in 2001.

10.9. **Other Issues**

Archaeology

- 10.10. There are no recorded monuments within the site boundary. The site is 500m west of the Zone of Archaeological Potential around Kill.
- 10.11. An Archaeological Assessment Report has been submitted with the application. The report notes that the site has been disturbed by quarrying in the recent past. Results of the test trenches did not identify any archaeological material.

10.12. The report recommends that the undisturbed areas of the site be subject to archaeological monitoring during the removal of topsoil associated with the construction of the proposed development.

10.13. I am satisfied that, having regard to the above, and having regard to the submission from the DAU, issues relating to archaeology can be dealt with by way of appropriate conditions.

Ecology

10.13.1. An Ecological Impact Assessment has been submitted with Application. This concludes that there are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants. There are no alien invasive species growing on the site. With full implementation of the proposed mitigation measures it can be expected that no negative impacts will occur to flora and fauna arising from this development.

10.13.2. I concur with the conclusions of same and consider that there will be impacts on ecology will be limited, subject to conditions.

Trees

10.14. An Arboricultural Report has been submitted with the application and I have had regard to the contents of same. This concludes that the loss of trees and hedgerows will have a minimal impact on the character of the local area, and removals have been confined to trees and hedgerows of low and poor quality. The new public park will provide sufficient space for high-quality tree and hedgerow planting. Tree planting is also proposed within the site.

10.15. I am satisfied that there will be no loss of trees or hedgerows of significant value and note the landscaping and replacement tree planting proposed. Overall, subject to conditions, the overall impact on trees and hedgerows on the site is considered to be acceptable.

11.0 Conclusion and Recommendation

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be **GRANTED** for the proposed

development, subject to conditions, for the reasons and considerations set out below.

12.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority:

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 13th Day of September by Resource Five Limited care of Declan Brassil & Co. Ltd., Lincoln House, Phoenix Street, Smithfield, Dublin 7, Ireland, D07 Y75P.

Proposed Development:

The development comprising of:

- 2 no. two storey maisonette blocks (Blocks D1 & D2) containing 4 no. one bed units ranging in size between 52.1sqm and 61.8sqm Gross Floor Area (GFA), and 4 no. two bed units, ranging in size from 86.5sqm to 88.2sqm GFA;
- 3 no. three storey apartment blocks (Blocks A, B & C) containing 10 no. one bed garden apartments of 51sqm GFA, 16 no. two bedroom duplex apartments of 95sqm GFA, 6 no. two bed apartments ranging in size between 77sqm and 86sqm GFA (Blocks A & B), and 4 no. two bedroom garden apartments ranging in size between 77sqm and 78sqm GFA (Block C);
- 21 no. two bed, two storey, mid-terrace units of 85.6sqm GFA (Type A); • 32 no. three bed, two storey, end of terrace and semi-detached units, ranging in size between 107.1sqm to 116.6sqm GFA (Type B, B1 & B4);
- 21 no. three bed, two storey, mid terrace and semi-detached units, ranging in size from 103.4sqm to 110.1sqm GFA (Type B5 & B6);
- 10 no. three bed, two storey, wide fronted, end of terrace and semi-detached units of 115.1sqm GFA (Type C);
- 3 no. four bed, two storey, end of terrace units of 135.7sqm GFA (Type D1);

- 16 no. four bed, two storey, wide fronted, detached, semi-detached and end of terrace units of 125.4sqm GFA (Type E & E2);

A total of 282 no. car parking spaces, including 250 no. spaces serving the residential units, and 32 no. visitor spaces, are dispersed throughout the scheme. The proposed development also includes the provision of 2.046 ha of public open space, including a 1.806 ha park on lands zoned Objective F 'Open Space and Amenity'; the provision of a spine road to provide cycle/pedestrian and vehicular access to the application site, extending from the existing access road to the south-east of the site to the north-western boundary; a pumping station in the south-western portion of the site; and, 2 no. ESB substations; together with internal roads; landscaping; boundary treatments; lighting and all ancillary and associated site and infrastructural works.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the site's location, on lands approximately 850m south-east of Kill Town Centre, in an area that has existing residential development to the east and south, with a zoning objective that permits residential development in principle;

- (b) the pattern of existing development in the area;
- (c) the policies and objectives of the Kildare County Development Plan 2017-2023;
- (d) the partial delivery of the Link Road from Hartwell Road to the Kill Johnston Road, the provision of which is an objective under the Kill Small Town Plan;
- (e) the nature, scale and design of the proposed development and the availability in the area of a wide range of community, social and transport infrastructure;
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (i) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) the Quality Housing for Sustainable Communities Guidelines (2007)
- (k) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (l) the nature, scale and design of the proposed development;
- (m) the submissions and observations received, and
- (n) the report of the inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. (a) The internal road network, cycle paths and public footpaths within and outside the proposed development site, including car parking provision and cycle parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.
(b) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads and Streets guidance and Transport Infrastructure Ireland standards. The Quality Audit team shall be approved by the planning authority and all measures recommended by the Auditor should be undertaken unless the planning authority approves any departure in writing. A feedback report shall also be submitted providing a response to each of the items.
(c) A full-time resident engineer shall be provided and funded by the developer to supervise the road project works on site and to liaise with landowners, stakeholders and the planning authority.
(d) A legal agreement for the partial delivery of the Link Road shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
(e) A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the

compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: To ensure a satisfactory standard of development.

3. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

5. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health and to ensure a proper standard of development.

6. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die,

are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. Site development and building works shall be carried only out between 08.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

9. Proposals for an apartment, street and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all apartment, street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of orderly development.

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

11. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

12. The submitted phasing programme for the development shall be strictly adhered to, unless otherwise agreed in writing with the planning authority.

Reason: To provide for the orderly development of the site.

13. Details of the materials, colours and textures of all the external finishes, including pavement and road finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

14. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide a demolition management plan, together with details of intended construction practice for the development, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

16. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

The plan shall include details for the appropriate disposal of the invasive species which has been treated within the site and the prevention of any increase in vermin on the site or in the vicinity of the site, during construction.

Reason: In the interest of sustainable waste management.

17. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

18. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development

Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Rónán O'Connor
Planning Inspector

11th December 2019