



An  
Bord  
Pleanála

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

## Inspector's Report ABP-305724-19

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<b>Strategic Housing Development</b>	Demolition of house and barn, construction of 245 no. residential units (138 no. houses, 77 no. apartments, 30 no. duplex units), creche and associated site works.
<b>Location</b>	Leixlip Gate, Kilmacredock, Leixlip, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	ES Leixlip Greenfields Ltd.
<b>Date of Consultation Meeting</b>	28 <sup>th</sup> November 2019.
<b>Date of Site Inspection</b>	18 <sup>th</sup> November 2019.
<b>Inspector</b>	Karen Kenny

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## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The site is located in Kilmacredock, Leixlip, Co. Kildare. It is at the south western edge of Leixlip to the north of the Leixlip / Celbridge interchange on the M4 Motorway (Junction 6).
- 2.2. The site, with a stated area of 6.51 ha, comprises agricultural lands, a dwelling, an agricultural shed and sections of public road. It is relatively flat and contains a watercourse, field drains and agricultural hedgerows. A section of a demesne wall associated with the Castletown Estate forms the southern site boundary and there are agricultural lands beyond this. The site is bounded to the west by motorway planting and the R449 Regional Road beyond, which sits above the level of the site. Green Lane runs to the north of the site. Leixlip Gate, a historic tree lined avenue, runs to the east.
- 2.3. The site frontage onto Leixlip Gate, is interrupted by a number of residential properties. This includes Kilmacredock House, and associated dwellings and outbuildings at the corner of Green Lane and Leixlip Gate. Permission was granted for a dwelling on lands to the immediate south of Kilmacredock in 2016. Lindebaum is a dormer dwelling on a substantial plot mid-way along the eastern site boundary and there are 3 no. recently constructed dwellings at the southern end of the site.
- 2.4. Green Lane to the north of the site, is a local a link road serving residential estates on the western side of Leixlip. There are Dublin Bus services on Green Lane and the site is c. 1.8 km from Louisa Bridge rail station.

### 3.0 Proposed Strategic Housing Development

3.1. Permission is sought for 245 residential units (138 no. houses, 77 no. apartments; and 30 no. duplex units) a creche (223.sq.m) and a gym (294 sq.m).

3.2. The unit mix is as follows:

Unit Type	No. Houses	Apartments / Duplex	TOTAL	Percentage
1 bed	0	33	33	13.5%
2 bed	17	59	76	31%
3 bed	113	15	128	52.2%
4 bed	8	0	8	3.3%
TOTAL	138	107	245	100%

3.33. A single vehicular access is proposed via Leixlip Gate and onto Green Lane. It is proposed to provide pedestrian and cycle access onto the R449 to the west.

3.34. It is proposed to construct a foul pumping station and a rising main that will connect to a foul sewer on Green Lane c. 1 km to the north east of the site. The development will connect to an existing watermain on Green Lane to the north.

3.35. Stormwater runoff will outfall is to an existing open channel that flows east from the site and discharges into the River Liffey. It is proposed to culvert existing drains / watercourses within the site. Proposed stormwater attenuation features include swales, permeable paving and underground attenuation tanks.

3.36. The submitted details state that it is proposed to lift the site level by on average 900mm above the existing ground level. The Planning and Environmental Report states that this will require the transportation of c. 56,340m<sup>3</sup> of fill material into the site. I would note that these works are not referenced in the development description.

## 4.0 Planning History

4.1. There is no planning history pertaining to the site. The following planning history relates to sites in vicinity:

**PA Ref. 16/759:** Outline permission granted for 2 no. dwellings to the rear of an existing dwelling (Lindebaum) to the east of the site.

**PA Ref. 16/90:** Permission granted for a dwelling on lands to the immediate south of Kilmacredock House with frontage onto Leixlip Gate.

**PA Ref. 15/341:** Permission granted for demolition of an existing dwelling and construction of 3 no. dwellings on lands to the east of the site.

**PA Ref. 14904:** Outline permission granted for 2 no. dwellings to the rear of an existing dwelling (Lindebaum) to the east of the site.

## 5.0 National and Local Planning Policy

### 5.1. National Planning Framework

5.2. The NPF includes Chapter 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.
- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to

achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

### 5.3. **Section 28 Ministerial Guidelines**

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ as updated March 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS).
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- Architectural Heritage Protection – Guidelines for Planning Authorities, 2011.

### 5.4. **Development Plan**

#### **Kildare County Development Plan 2017-2023**

The Kildare County Development Plan 2017-2023 is the relevant county development plan. Leixlip is identified as a Growth Town II in the Core Strategy. The Core Strategy sets a target of 3,315 additional dwellings for Leixlip by 2023. Table 4.2 indicates that residential development on greenfield suburban sites in large towns should be at densities between 30 and 50dph. Policy MD 1 seeks to ensure a wide variety of housing types, sizes and tenures. Chapter 17 sets out Development Management Standards.

### **Leixlip Local Area Plan 2017-2023**

The site is zoned 'C New Residential' with an objective "To provide for New Residential Development". The site forms part of a greenfield area of 13 hectares designated as Key Development Area (KDA) 3. The estimated housing capacity of KDA 3 is 390-445 at a density of between 30-35 units per hectare (Table 4.1 refers).

### **Draft Leixlip Local Area Plan 2020-2026**

On 6th March 2018 the Minister for Housing, Planning and Local Government made an order under Section 31 of the Act requiring the council to prepare a new draft local area plan for Leixlip. The order referred to the failure to zone sufficient land for residential development to achieve the targets set out in the core strategy of the development plan, and a failure to give priority to development on land close to the town centre and railway stations in a sequential manner. Specific reference was made to two pieces of land, one beside the railway station at Confey and another on the Celbridge Road that were not zoned under the LAP as finally adopted.

Kildare County Council published a new Draft Leixlip Local Area Plan 2020-2026 in May 2019. This plan is at material amendment stage.

In the Draft Plan the agricultural lands are zoned 'C New Residential' and the existing dwelling is zoned 'B Existing Residential / Infill'. Existing planting along the north and western site boundaries is zoned 'Open Space and Amenity'. The 'New Residential' lands are part of Key Development Area (KDA) 3. The estimated housing capacity of KDA 3 is 323 no. units at a density of 35 units per hectare (Table 4.1 refers).

A design brief for KDA 3 is provided at Section 12.1.1 of the plan. The brief envisages: access to the site via Leixlip Gate and onto Green Lane; vehicular, pedestrian and cyclist permeability throughout and pedestrian / cyclists access to the R449; medium density residential development in the order of 35 units per hectare; building heights to respect the adjoining properties; buildings 3-4 storeys may be provided at the roundabout junction of the R449 and Green Lane; passive surveillance of roads and open spaces; minimal impact on Leixlip Gate and avenue; buildings to maintain an appropriate set back from the roundabout at the R449 and Green Lane; 15% quality open space; retain natural heritage and existing green

infrastructure features through incorporation into boundaries of residential development; incorporate natural heritage and green infrastructure features in addressing flood risk and preparation of SuDs Strategy. Use landscaping to create buffer from R449 and M4.

The phasing strategy set out in Chapter 13 requires the implementation of measures identified in the 'Leixlip Strategic Transport Assessment' and Leixlip Local Area Plan 2020-2026 in conjunction with the development of the KDA.

Objective GI1.6 of the plan seeks to preserve, protect and enhance trees (including woodlands) of special amenity, nature conservation or landscape value including trees along the eastern side of Leixlip Gate.

## **6.0 Forming of the Opinion**

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

### **6.1. Documentation Submitted**

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, a Cover Letter, Completed Application Form, Statement of Consistency, Planning and Environmental Report, Minutes of Section 247 Meeting and Applicants Response, Part V Details, Letters of Consent, Architectural Drawings, CGIs, Architectural Design Statement, Housing Quality Assessment, Site Specific Flood Risk Assessment, Landscape Masterplan, Drawings and Rationale, Engineering Drawings and Drainage Design Report, Irish Water Pre-Connection Enquiry, Public Lighting Drawings and Report, Sustainability and Energy Report, Utility Report, Archaeological Assessment, Aquatic Ecological Survey, Appropriate Assessment Screening, Terrestrial Ecology Assessment, Bat



Assessment, Preliminary Construction and Demolition Waste Management Plan, Preliminary Construction Management Plan, Noise Impact Assessment Report, Preliminary Sunlight Access Analysis, Conservation Impact Assessment, Arboriculture Report, Tree Constraints Plan and Tree Protection Plan and a Transport Impact Assessment.

## 6.2. Statement of Consistency

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required. The applicant's case is summarised as follows:

- The proposed development is consistent with the NPF and RSES. The site is in the metropolitan area of Dublin which is identified for significant growth. It is served by public transport, employment and services. The development will result in urban consolidation.
- The proposed development includes a range of building heights up to 4 - storeys, in accordance with the Urban Development and Building Height Guidelines.
- In terms of the Sustainable Residential Development in Urban Areas, Guidelines, the proposal represents a sequential approach to development; meets the high level aims for successful and sustainable residential development in urban areas; and complies with the 12 criteria set out in the Urban Design Manual.
- All of the standards and requirements of the Apartment Guidelines are met with details in relation to individual apartment and duplex units set out in the Housing Quality Assessment.
- The adopted design approach complies with DMURS – refer to detail in the TPS Reports.
- Childcare provision for 58 no. childcare spaces is provided.

- In terms of the Transport Strategy for the GDA, the site is served by bus services and is proximate to Leixlip (Louisa Bridge) Train Station.
- A Site-Specific Flood Risk Assessment has been submitted with the application.
- The Development is consistent with the Core Strategy and Settlement Strategy of the Kildare County Development Plan. Regard has been had to policies and objectives in relation to housing, the protection of architectural heritage and development standards.
- The development is consistent with the requirements of the Draft Leixlip Local Area Plan 2020-2026.

### 6.3. Planning Authority Submission

A submission was received by An Bord Pleanála on the 13<sup>th</sup> November 2019 from Kildare County Council. The ‘opinion’ of the planning authority included, inter alia, the following:

- The proposed land uses accord with the CDP / Draft LAP.
- The proposed density is above the density range of 30-35 units outlined in the Leixlip LAP. It is within the range of 35-50 units per hectare set out in Table 4.2 of the CDP. The plot ratio is acceptable.
- Public open space is under the requirement for 15% of site area.
- The applicant has not submitted a statement of housing mix in accordance with the requirement of Section 17.4.3 of the CDP.
- A detailed car parking schedule should be provided indicating the number and location of parking spaces for housing, apartments, creche, gym and visitors in accordance with Table 17.9 of the Kildare CDP.
- In relation to Part V, the Council do not accept apartment units where it is possible to provide individual dwellings or own door maisonette type units on the site. Units should be pepper potted throughout the site. Provision of general storage space is not compliant with the Council’s Development Plan standards.

- The Draft LAP allows for 3-4 storey development at this location. A proposed Material Alteration to the Draft LAP seeks to limit building height to 3 storeys. Development would exceed this.
- The purpose of connections outlined to the west need to be clarified e.g. pedestrian / cycle only.
- Access to future development lands to the south needs to be clarified. Two vehicular connections are required under the Draft LAP. Pedestrian / cycle connections to lands to the east are not shown.
- Recommend that different character areas are established.
- Tree retention is critical for the successful development of this site due to the existing distinctive characteristics of the site. Notwithstanding the tree protection plan submitted, details of trees to be retained and trees to be removed should be incorporated onto the site layout plan. The existing line of mature lime trees are to be retained and protected. A comprehensive landscape and tree protection plan to be submitted to ensure construction details within the zone of these trees accords with best practice. No landscaping to be removed along the western and northern boundary (R449), save to facilitate pedestrian / cycle connections.
- The demesne wall to the south is to be retained and incorporated as a key feature within the open space under Draft LAP. Material Alteration to the Draft LAP No. 47 seeks to locate the main area of green space on the south west side of the site between the two landholdings.
- Parks Section seek natural play opportunities and state that outdoor fitness equipment could be provided.
- Development Plan standards in relation to private open space and privacy (22m) to be complied with.
- Secure outdoor play area needed for the creche.
- Details of bin storage required.
- Note the findings of the AA Screening Report.

- Note that applicant proposes to submit an EIAR due to proposal to raise site levels by c. 900 mm and the importation of 56,340m<sup>3</sup> of fill material onto the site. All of the above should be explicit in the public notices.

#### **6.4. Response from Prescribed Bodies**

- 6.4.1. A submission from Irish Water states that a connection to the network can be facilitated. The submission states that upgrades to the foul water sewer will have to be carried out to supply the proposed development, but that no third party or statutory consents are required.
- 6.4.2. A submission from the Department of Culture, Heritage and the Gaeltacht (DAHG) National Monuments Service states that the Department has approved an application for a licence to carry out archaeological test excavations, both to investigate features identified by geophysical survey and to test the overall archaeological potential of the site. The Department recommends that an archaeological test excavation be carried out and an appropriate written report be prepared and submitted to the Department in advance of making a formal application. Once the report is submitted, the Department will be in a position to consider the archaeological implications of the proposed development.

#### **6.5. Consultation Meeting**

A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 28<sup>th</sup> November 2019, commencing at 11.30. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Development Strategy – building height and frontage, character areas, distribution of open space, access and road layout, car parking and bicycle parking.
2. Archaeology, Architectural Heritage and Landscape.
3. Flood Risk.
4. Infrastructure – Irish Water.

5. Part V.
  6. Any other matters.
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1. In relation to Development Strategy An Bord Pleanála sought further elaboration/ discussion/ consideration of the following: the integration of existing site features (stream, hedgerows, trees); the response to site context and in particular the historic tree lined avenue to the east and the demesne wall to the south of the site; proposed changes to ground levels; frontage and access onto the R449; access to zoned lands to the south of the site; the creation of character areas within the development; works to facilitate access from Green Lane; car parking and cycle parking strategy; and the location and design of cycle stores and bin stores.
  2. In relation to Archaeology, Architectural Heritage and Landscape, An Bord Pleanála sought further elaboration/ discussion/ consideration of the following: potential impacts on Leixlip Gate and the tree lined access avenue associated with Leixlip Gate; potential impact on the demesne wall; potential impact on Kilmacredock House; and potential impacts on archaeology.
  3. In relation to Flood Risk, An Bord Pleanála sought further elaboration/ discussion/ consideration of the following: methodology used in the submitted Site-Specific Flood Risk Assessment (SSFRA); surface water drainage strategy including the proposal to culvert an existing watercourse; the integration of SUDs elements and the extent of underground attenuation.
  4. In relation to Infrastructure, An Bord Pleanála sought further elaboration/ discussion/ consideration in relation to the following: the constraints highlighted by Irish Water (letter to the applicants dated September 2019) and the Planning Authority (Water Services Report) in relation to the capacity of the waste water network.
  5. In relation to Any Other Matters, An Bord Pleanála sought further elaboration/ discussion/ consideration in relation to Traffic Impact Assessment; ecological mitigation measures proposed having regard to the presence of Bats, a watercourse and hedge and tree planting within the site; and the level of childcare provision (no. of spaces).

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 305724' which is on file.

I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## **7.0 Conclusion and Recommendation**

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

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

Having regard to all of the above and to the preliminary nature of the submitted documentation, I recommend that further consideration and/or possible amendment of the documents submitted is required at application stage in respect of the following elements: response to site context and existing site features, alterations to site levels, future access to lands to the south, flood risk and storm water management, architectural heritage and landscape, archaeology, foul drainage, ecology and childcare provision, as sets out in the Recommended Opinion below.

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

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

## 8.0 Recommended Opinion

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

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

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

### 1. Development Strategy

Further consideration / justification of the documents as they relate to the following: response to site context and the integration of existing site features (e.g. stream, hedgerows, trees, demesne wall); the proposal to raise the level of the site and provisions within the layout for future access to zoned lands to the south. The further consideration / justification should have regard to, inter alia, the guidance contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the

accompanying Urban Design Manual, the Urban Development and Building Height Guidelines for Planning Authorities (2018); the Architectural Heritage Protection, Guidelines for Planning Authorities (2011); the Kildare County Development Plan 2017-2023 and the Leixlip Local Area Plan.

## 2. Flood Risk and Storm Water Management

Further consideration / justification of the documents as they relate to flood risk management and storm water drainage, specifically in relation to site levels and water levels and the use of culverts, artificial attenuation and SuDS elements. The further consideration / justification should have regard to, inter alia, the guidance contained in the Planning System and Flood Risk Management Guidelines for Planning Authorities (and the accompanying technical appendices), issued by the Department of the Environment, Heritage and Local Government and the OPW, the Greater Dublin Strategic Drainage Study, the Kildare County Development Plan and the Leixlip Local Area Plan.

## 3. Wastewater Network

Further clarification of documents as they relate to the capacity of the waste water network specifically in relation to the points raised by Irish Water and in the technical reports received from the Planning Authority.

The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

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

1. A housing quality assessment which provides the specific information regarding the proposed apartments required by the 2018 Guidelines on Design Standards for New Apartments. The assessment and/or the statement of consistency should set out how the proposed apartments comply with the various requirements of those guidelines and its specific planning policy requirements. A



building lifecycle report for the proposed apartments in accordance with section 6.13 of the 2018 guidelines should also be submitted.

2. Details in relation to the nature and extent of material to be imported into the site and of associated earthworks.
3. Details of ecological mitigation measures to be employed, specifically in relation to the protection of bats and to address potential impacts arising from the proposal to import material into the site.
4. An updated architectural heritage impact assessment that addresses the potential for impacts on the historic landscape associated with Leixlip Gate and potential impacts on the demesne wall.
5. An updated archaeological impact assessment having regard to the comments raised in the submission of the Department of Culture, Heritage and the Gaeltacht.
6. A schedule of car and bicycle parking provision.
7. Design details for bicycle parking and bin storage facilities.

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

1. Transport Infrastructure Ireland
2. National Transport Authority
3. Irish Water
4. Minister for Culture, Heritage and the Gaeltacht
5. Heritage Council
6. Inland Fisheries Ireland
7. An Chomhairle Ealaíon
8. Fáilte Ireland

9. An Taisce — the National Trust for Ireland (archaeology, nature conservation and built heritage)

10. Kildare County Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Karen Kenny

Senior Planning Inspector

11<sup>th</sup> December 2019