



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
305858-19**

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**Strategic Housing Development**

Demolition of agricultural buildings  
and construction of 1324 residential  
units, neighbourhood centre and  
ancillary site works

**Location**

Southgreen Road and Old Road,  
Kildare town, Co. Kildare

**Planning Authority**

Kildare County Council

**Prospective Applicant**

Makros Ltd

**Date of Consultation Meeting**

December 13<sup>th</sup> 2019

**Date of Site Inspection**

December 6<sup>th</sup> 2019

**Inspector**

L. Dockery

## 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 and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

2.1 The subject site, which has a stated area of circa 43.2 hectares, with a stated net developable area of 34.83 hectares. It is located in South Green, to the north of Kildare town historic centre. While the lands are currently agricultural in nature, comprising several agricultural fields, it is noted that this is an emerging area and a number of permissions for residential development, which include for infrastructural works, have been permitted in the wider area. The road network in the general area is poor in width and alignment, with no footpaths or public lighting. The topography of the site is undulating. Southgreen Road, which cuts through the site, is located along a ridge with the lands either side gently sloping down.

2.2 Kildare Town train station is located approximately 600 metres to the south-east of the site, while there is a community school located approximately 500 metres to the east. A new road is currently under construction towards the south of the subject lands (Southern Internal Link Road).

## 3.0 Proposed Strategic Housing Development

3.1 The proposed development comprises the construction of 1324 residential units, a neighbourhood centre which includes for a childcare facility and two retail units, together with all ancillary site works. The prospective applicant has stated that the

proposal will include for the submission of an EIAR. Application is for a 10 year permission.

The following details are noted:

<b>Parameter</b>	<b>Site Proposal</b>
Application Site	43.2 ha (red line boundary)  34.83 ha (omitting 'open space' zoned lands to North)
No. of Units	1324 units
Other Uses	Neighbourhood Centre which include for:  Childcare Facility-2225 m <sup>2</sup>  Anchor Retail- 1000 m <sup>2</sup>  Retail Unit- 200 m <sup>2</sup>
Parking	2279 car parking spaces (2232 spaces at surface; 47 undercroft)  1850 bicycle spaces
Part V	136 units
Density	38.02 units/ha (nett)

The breakdown of unit types is as follows:

Unit Type	1 bed	2 bed	3 bed	4 bed	
Apt/Duplex	28	404	376	-	808
House	-	34	376	106	516
<b>Total</b>	<b>28</b>	<b>438</b>	<b>752</b>	<b>106</b>	<b>1324</b>
% Total	2.1%	33%	56.8%	8%	100%

#### 4.0 National and Local Planning Policy

##### 4.1 National

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2018)
- ‘Design Manual for Urban Roads and Streets’ (2013)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (2009)

## 4.2 Local

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

Kildare town is identified as a 'Moderate Sustainable Growth Town' in the operative County Development Plan.

The Core Strategy of the CDP 2017-2023 allocates 4.7% of Kildare's housing growth to Kildare town over the period 2017-2023. Table 3.3 of the CDP identifies a housing unit target of 4,872 units for Kildare town to the year 2023, through the addition of 1,527 housing units over the Plan period. This represents an overall target population for the town of 10,750 persons. Table 3.4 of the operative CDP states that there is a potential capacity surplus in Kildare town of 2027 units.

Kildare Town LAP 2012-2018 applies

### Zoning:

The northern portion is zoned 'Objective F'- 'Open Space and Amenity' which seeks to 'protect and provide for recreation, open space and amenity provision'.

The remainder of the site is zoned 'Objective C New Residential Infill' which seeks to 'provide and improve new residential areas and for associated local shopping and other services incidental to new residential development'.

Residential use is 'permitted in principle' within the residentially zoned lands.

Southern portion of the lands are zoned C1- Phase 1 while remainder of residentially zoned lands are zoned C2- Phase 2.

## 5.0 Planning History

Applications of note in the vicinity are:

17/764

Permission GRANTED to Makros Ltd for 187 residential units- modifications to development permitted under Reg. Ref. 07/1450 and 13/155

13/155

Extension of duration of permission GRANTED to Reg. Ref. 07/1450- period extended to August 2018

07/1450 (appeal to ABP withdrawn)

Permission GRANTED to Makros Ltd for residential development consisting of 212 units

05/2516

Permission GRANTED to Makros Ltd for enclosed temporary wastewater treatment plant

Nearby Sites:

18/1026, 18/1027, 18/1028 ( ABP-305526, 305532 and 305529)

Permission sought by Eurkon Ltd for residential development in South Green- three concurrent applications with a proposal for a total of 296 residential units, childcare facility and associated site works including the provision of the Southern Internal Link Road, improvements to Dunmurray Road and the provision of a signalised junction between Dunmurray Road and new Link Road. Decision pending.

## 6.0 **Section 247 Consultation(s) with Planning Authority**

6.1 It is stated by the planning authority that pre-application consultations took place with the planning authority in relation to this current scheme on 03<sup>rd</sup> September 2019.

## 7.0 **Submissions Received**

### Irish Water

Confirmation of Feasibility issued for this site for 1500 no. residential units.

The proposed development, as assessed in the CoF is a standard connection, requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water. No third party consents are required for this connection to take place. Advises that based on the CoF, a compliant water and wastewater layout and a valid connection agreement being put in place, the proposed connections to the Irish Water networks can be facilitated.

It was confirmed at the pre-application consultation meeting by representatives of the planning authority that this report was submitted in error to ABP and the information contained therein is incorrect.

## 8.0 **Forming of 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 submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

### 8.1 **Documentation Submitted**

8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, completed application form,

a completed pre-connection enquiry feedback form from Irish Water, Statement of Consistency & Planning Report, Material Contravention Statement, Part V details, architectural drawings; Design Statement; Kildare & EMRA Needs Assessment; Community Infrastructure Statement; Ecology Statement; DMURS Statement; Traffic and Transport Assessment; Engineering drawings; Engineering Assessment Report; Construction and Waste Management Plan; Flood Risk Assessment; AA Screening Report and Environment Report.

8.1.2. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

## **8.2 Planning Authority Submission**

8.2.1 In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 04<sup>th</sup> December 2019.

8.2.2 The planning authority's 'opinion' included the following matters: consultation, description of development, site location and surroundings, policy context, history, principle of development/compliance with core strategy, density, mix of units, design of units, visual impact assessment, public open space, private open space, internal storage, refuse storage, car parking, heritage, social infrastructure, internal reports. The following points are noted:

- Proposed development would exceed targets for housing numbers set out in Kildare CDP and would therefore not be in accordance with core strategy
- Kildare Town is not listed as a 'key town' in RSES
- Proposal premature a review of CDP and revisions to core strategy
- Density appears to be within acceptable parameters
- Concerns regarding design of duplex units
- More emphasis on views towards historic centre of Kildare town- full VIA is required



- Concerns that the overall development is essentially, one large housing development
- Local centre only provides for two uses- more services should be provided within the overall site
- Concerns regarding pace and scale of residential development and the inability of the social infrastructure to keep pace with the residential growth
- Concerns regarding dominance of apartments and duplexes
- Inadequate links and permeability from proposed development to adjoining permitted residential development to south (Ref. 17/764)
- Existing residential amenity should be fully considered
- Setback from railway line required to allow for wider buffer
- Further setbacks at Southgreen Road (at Character Area 1) to allow for road improvement works
- Hierarchy of open space required
- Additional communal open space required
- No proposals for public park on lands to north- should be planned for and developed in tandem with Phase 1 of the proposed development
- Considers that proposed development, by distorting the core and settlement strategy figures set out for future housing provision within Kildare Town, contravene materially the CDP
- Does not accord with Kildare town LAP, particularly in relation to phasing of zoned lands where Phase 1 remain undeveloped and uncommitted
- Would lead to an increase in commuting levels where worker to jobs ratio is currently quite low at 0.6 for Kildare town
- Lacks a sense of place, lacks appropriate services commensurate with a small town population of circa 3500 persons.
- Proposed development of 30% social housing would seriously increase the predominance of social housing in Kildare town which is already more than twice the average of County Kildare

- Considers the development as proposed contravenes materially the provisions of the Kildare CDP, would be premature pending the variation to the core strategy and would therefore not be consistent with the proper planning and sustainable development of the area.

8.2.3 I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

### 8.3 Consultation Meeting

8.3.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 13<sup>th</sup> day of December 2019, commencing at 14.00 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

8.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Core Strategy/Phasing
2. Development strategy for the site to include layout, density, unit mix and typology, elevational treatment, connectivity, Part V proposals, open space provision, childcare facility and local centre
3. Drainage
4. Transportation
5. Any other matters

8.3.3 In relation to core strategy/phasing, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Scale of development relative to size of Kildare town, which is a 'Moderate Sustainable Growth Town' is RSES
- Demonstrate that town has capacity to accommodate development of scale proposed, in absence of additional meaningful social infrastructure
- Justification for lack of provision of any community, social or educational facilities; social infrastructure
- Justification for limited/minimal size of neighbourhood centre and dominance of two proposed uses

- Justification for lack of provision of public park to north of site
- Infrastructural constraints- roads, railway bridge, IW drainage infrastructure, surface water drainage
- Rationale required outlining how proposed residential element will be provided in tandem with social and physical infrastructure
- Consistency with core strategy/phasing policies of operative CDP
- Raised query in relation to prematurity pending review of core strategy in Jan 2020

8.3.4 In relation to development strategy, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- Layout in the context of DMURS and Sustainable Residential Development in Urban Areas with associated Design Manual, 12 criteria as set out in Urban Design Manual; setbacks from railway line and Southgreen Road to facilitate future upgrades; creation of character areas and the need to avoid mono-use housing areas
- Density proposed in the context of site location, close to Kildare town railway station
- Connectivity achievable in the surrounding area, to nearby shops and services, to existing public transport links
- Rationale/justification for proposed undercroft car parking at neighbourhood centre and impact of same on streetscape
- Appropriateness of childcare facility of size/scale proposed
- Elevational treatments; materials/finishes
- Open space provision and the desire to ensure that it is functional and usable; hierarchy of open spaces; waste management
- Part V in relation to issues raised within PA Opinion in terms of extent of social housing proposed within development relative to existing provision within the town

8.3.5 In relation to drainage, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Infrastructural constraints
- Drainage matters as detailed in Water Services report of Planning Authority (dated 25/11/2019), as detailed in Appendix B, of PA Opinion
- PA stated that contents of report of Irish Water to ABP was an error

8.3.6 In relation to transportation, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Infrastructural constraints
- Other matters raised within Appendix B, Transportation Report of PA Opinion

8.3.7 In relation to other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Regard to be had to existing and future residential amenity
- Setback from railway line
- Clarification in relation to undergrounding of powerlines; submission of schedule of floor areas; materials/finishes; areas to be taken in charge; submission of ecological surveys; landscaping/boundary treatments; submission of CGIS/visualisations; waste management; Building Lifecycle Report and Appropriate Assessment

## 8.4 **Conclusion and Recommendation**

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

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

- 8.4.3 Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 8.4.4 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 9 Recommended Opinion

The Board 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. Principle of proposal:

Having regard to the policies and objectives of the Kildare County Development Plan 2017 and the Kildare Town LAP 2012, further consideration/justification of the documents as they relate to the principle of the proposed development in the context of

- (a) assessment of the development with reference to the Core Strategy set out in the Kildare County Development Plan 2017-2023 and a full rationale for the development of these lands having regard to, inter alia, the RSES County Population targets and future population allocation for the town of Kildare
- (b) the location of residential development on lands zoned 'Objective C2 (Phase 2)'. This consideration, including a justification for any application for development, should have regard to, inter alia, the Kildare County Development Plan 2017–2023 as it relates to the phasing of residential development and, in particular, the quantum and location of Phase 1 lands within the above mentioned plan area which remain undeveloped. This consideration and justification should also have regard to, inter alia, the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) as it relates to the sequential approach and phasing.
- (c) the quantum of residential development being proposed in the context of the lack of any community, social or educational facilities within the site boundary, together with the non-provision of the public park to the north of the lands as part of this proposal.
- (d) the limited scale of the proposed neighbourhood centre, given the extent of residential development proposed and permitted in the immediate area, together with the appropriateness of the scale of the proposed childcare facility
- (e) the comments of the planning authority in their Chief Executive Opinion (page 25) regarding the quantum of social housing proposed

Having regard to the above, and also noting the limitations on other uses pursuant to s.3 (i) and (ii) of the Planning and Development (Housing) and Residential

Tenancies Act 2016, as amended, the applicant should satisfy themselves as to whether the SHD process is an appropriate mechanism for the delivery of such a large-scale residential proposal in the absence of a commensurate level of social, commercial and physical infrastructure required to serve the development, given the existing scale of residential development in Kildare town and its exiting scale of social commercial and physical infrastructure. If it is proposed to proceed with an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, the applicant should seek to demonstrate how and when other uses can be delivered in tandem with the SHD proposal.

## 2. Infrastructural Constraints

Further consideration/clarification of the documents as they relate to infrastructure constraints serving the proposed development in particular as it relates to the road infrastructure, which includes for road bridge, in the locality; Irish Water infrastructure and surface water infrastructure, as detailed by the planning authority both within their Opinion to An Bord Pleanála, and as discussed at the pre-application consultation meeting. The documentation at application stage should clearly indicate the nature of the constraints, the proposals to address the constraints and the timelines involved in addressing these 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).

## 3. Density

Further consideration/justification of the documents as they relate to the density of the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009) in relation to such sites. Particular regard should be had to need to develop at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the location of the site and its proximity to the Kildare town rail line and

to the centre of Kildare with its established social and community services. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

#### 4. Design and Layout

- (a) Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the above mentioned Guidelines and the Design Manual for Urban Roads and Streets. The matters of arrangement and hierarchy of streets; the configuration of the layout particularly as it relates to the Southern Internal Link Road; connectivity with adjoining lands; provision of hierarchy of open space and the creation of character areas within a high quality scheme should be given further consideration.
- (b) Further consideration/justification of the documents as they relate to the proposed undercroft parking arrangement and the impact this may have on the vitality of the streetscape at this location.
- (c) Further consideration and/or justification of the documents as they relate to the elevational treatment/expression and materials/finishes of the proposed development, having regard to the context of the site and the desire to ensure that the proposed development makes a positive contribution to the character of the area over the long term. An architectural report and urban design statement should be submitted with the application.

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

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



1. A report identifying demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
2. Social Infrastructure Audit
3. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture and play areas where proposed, and which includes detailed proposals for the area of zoned public open space, included within the red line boundary.
4. 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. A detailed phasing plan for the proposed development
6. Ecological Surveys
7. Waste management details
8. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority. Streets should be shown up to the boundary to facilitate future access
9. Details of re-routing or undergrounding of any overhead power lines
10. A schedule of floor areas for all proposed units

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

1. Irish Water
2. Irish Rail
3. Commission for Railway Regulation
4. Transport Infrastructure Ireland
5. National Transport Authority
6. Commission for Energy Regulation
7. Kildare 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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Lorraine Dockery  
Senior Planning Inspector  
13<sup>th</sup> January 2020