



An  
Bord  
Pleanála

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

**Inspector's Report on  
Recommended Opinion  
ABP-308365-20**

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<b>Strategic Housing Development</b>	203 no. residential units (36 no. houses and 167 no. apartments), creche and associated site works.
<b>Location</b>	Site at the former Devoy Barracks, John Devoy Road, Naas, Co. Kildare.
<b>Planning Authority</b>	Kildare County Council
<b>Prospective Applicant</b>	Land Development Agency
<b>Date of Consultation Meeting</b>	7 <sup>th</sup> December 2020
<b>Date of Site Inspection</b>	25 <sup>th</sup> November 2020
<b>Inspector</b>	Ronan O'Connor

## 1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority 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 is 4.10 ha in size and is located to the approximately 750m southwest of Naas Town Centre in County Kildare. Access to the site is via roundabout on John Devoy Road on the southern boundary of the site. The site is bounded to the north-west by the rear gardens of existing residential properties at Devoy Terrace, to the west by Arconagh housing estate and associated open space and to the east of the site by surface car parking serving Kildare County Council, and to the south-east by the Kildare Civil Defence Building. There is a newly built estate, Elsmore, to the south-east of the site. Yeomanstown Stream is located along the southern boundary of the site.

## 3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of the following:
- 203 no. residential units consisting of 36 houses and 167 apartments and duplexes (53 no. 1 beds, 99 no. 2 beds and 51 no. 3 beds) ranging from 2 to 4 storeys in height including a creche of 378 sq.m and outdoor play area..
  - 235 no. car parking spaces, and 502 no. bicycle spaces;
  - Vehicular access from the existing access on the roundabout on the John Devoy Road and 2 no. pedestrian access points onto John Devoy Road, and to St.Patrick's Terrace.
- 3.2. The following development parameters are noted:

Parameter	Site Proposal		
Application Site	4.1Ha		
No. of Dwelling Units	203 (36 houses/167 apartments and duplexes)	Other Uses	Creche 278 sq. m
Density	51 units/ha		
Height	2 to 4 storeys		
Parking	235 no. car parking spaces		
Part V	20 no. units		

3.3 The breakdown of the residential units is described as follows:

Unit Type	1 bed	2 bed	3 bed	Total
Duplex/Apartments	53	99	15	167
Houses	-	-	36	36
				<b>203</b>
%	26	49	25	<b>100</b>

#### 4.0 National and Local Planning Policy

#### 4.1 National and Regional Policy

##### National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas.

Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 13 is that, in urban areas, planning and related standards including in particular building 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.

### Regional Spatial and Economic Strategy for the Eastern and Midland Region

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

- RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.
- RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.

## 4.2 **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual;
- Design Manual for Urban Roads and Streets (2013); / DMURS Interim Advice Note – Covid 19 (2020);
- Guidelines for Planning Authorities on Childcare Facilities (2001);
- The Planning System and Flood Risk Management (2009).

### 4.3 Local Planning Policy

#### **Kildare County Development Plan 2017-2023 including Variation No. 1**

##### Variation (Variation No. 1) of the Kildare County Development Plan 2017-2023

Kildare County Council adopted a Variation (Variation No. 1) of the Kildare County Development Plan 2017-2023 on 9<sup>th</sup> June 2020. The adopted variation responds to the recent changes in national and regional policy, namely the publication of Project Ireland 2040: National Planning Framework (NPF), The Implementation Roadmap for the National Planning Framework and the Eastern and Midland Regional Assembly (EMRA), and the Regional Spatial and Economic Strategy (RSES-EMRA).

Table 3.3 sets out the Settlement Strategy Population and Housing Unit Allocation 2016-2023. Naas is allocated a dwelling target of 898 dwellings to 2023. Section 2.7 sets out the Preferred Development Strategy and the focus is on achieving *inter alia* a critical mass in the Metropolitan Area Strategic Plan (MASP) area (Maynooth, Leixlip, Celbridge, Kilcock) and in the Key Towns of Naas and Maynooth;

Section 2.8 sets out Population and Housing Growth. It is noted that, taking the higher range for each year, the county population is projected to increase by 31,500 persons to 2026 with an additional 12,500 to the year 2031. Accounting for an additional 25% headroom, this equates to a dwellings target of 6,023 units to 2023 and 14,060 units to 2026.

Section 2.9 considers the distribution of Growth and Housing Land Capacity Distribution of Growth. It is stated that the capacity of settlements in Kildare to accommodate the level of growth envisaged by the NPF and to deliver sustainable communities that are well served by social and physical infrastructure will need to be carefully considered as part of the Local Area Plan process for the relevant towns.

In relation to Key Towns, such towns are described as large economically active and/or county towns that provide employment for their surrounding areas with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

Policy CS 1 - Provide new housing provision in accordance with the County Settlement Hierarchy.

Policy CS 2 - Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.

Policy CS 4 - Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of a least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint.

Section 3.3 sets out the Settlement Hierarchy – This is designed to underpin decisions regarding the location and scale of new developments such as housing, employment creation and social and physical infrastructure provision.

Table 3.3 Sets out the ‘Settlement Hierarchy – Population and Housing Unit Allocation 2016-2023’. Naas is given a dwellings target of 898 no. units to 2023.

Section 3.6 Development Capacity states that sufficient land is zoned to cater for the housing demands of the county up to 2023 and beyond, some Towns, Villages and Settlements have surplus capacity relative to the Core Strategy allocation and some have a shortfall. The zoning surpluses and shortfall will be reviewed through the relevant land use plans.

#### Volume 1 of the Kildare County Development Plan 2017-2023

Chapter 4 – Housing – including Table 4.1 Guidance on appropriate locations for new residential development/Table 4.2 Indicative Density Levels.

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.

Table 17.9 sets out car parking standards.

## **Naas Town Development Plan 2011-2017**

The current Naas Town Development Plan 2011- 2017 will continue to have effect until the Draft Naas Local Area Plan 2019-2023 is adopted.

The site is subject to two zoning objectives:

- Objective C New Residential ‘To provide for new residential development’
- Objective A Town Centre ‘To provide for the development and improvement of appropriate town centre uses including retail, residential, commercial and civic uses’.

Other objectives include:

- HP5: To encourage appropriate densities of new housing development in accordance with Government advice set out in the ‘Sustainable Residential Development in Urban Areas’
- HP6: To encourage higher residential densities in the town centre, on ‘brownfield’ and infill sites close to existing and potential connections to public transport.
- HP7: To ensure all new urban development especially in and around the town centre is of high design and layout quality and supports the achievement of successful urban spaces and sustainable communities.

## **5.0 Planning History**

5.1. No relevant planning history.

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

6.1. A section 247 pre-application consultation took place with Kildare County Council on 18<sup>th</sup> August 2020 and details of same are set out in Appendix A of the Planning Authority’s submission on this pre-application.

## 7.0 Irish Water Submission

7.1. Irish Water: Irish Water has issued the applicant a Confirmation of Feasibility for connections to the Irish Water network. The applicant is required to provide additional details to Irish Water prior to advancing to SHD application.

## 8.0 Forming of the Opinion

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

### 8.2. Documentation Submitted

8.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017 and I have had regard to same.

### 8.3. Planning Authority Submission

8.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Kildare County Council have submitted a copy of the record of their section 247 consultations with the prospective applicant and their opinion in relation to the proposal.

8.3.2. Kildare County Council has also submitted a report on this pre-application submission which raises the following matters:

- Principle is considered acceptable.
- Density is appropriate (noted that the two SHD permissions on neighbouring site permitted densities of 72/ha – further south-west Elsmore Phase 2 permitted with a density of 28 units/ha).
- Plot ratio is below the required standard but is only one measure of assessment/in the context of the proposed density the proposed plot ratio is considered appropriate.



- Public open space provision meets the minimum standard.
- Note generous provision of private open space for the duplex units.
- Form, scale, mass, layout acceptable.
- Absence of local convenience facilities in the immediate area.
- No guarantee of any future permeability connections.
- More varied palette of materials would add visual interest.
- Unit type K should be redesigned to integrate the private open space into the unit/avoid the need for the external balcony.
- Ground floor terraces extend into the communal open space areas to the rear of many units/Clarification should be provided on the materials and finishes for these ground floor terraces.
- Kildare County Council Childcare Committee should be consulted to provide up to date data on demand/vacancy rates.
- Seriously deficient in car parking standards/e-charging should be provided (Transport Section consider the site to be a peripheral and /or less accessible urban location)/Shortfall of 148 spaces/location of spaces – lack of direct overlooking from associated units/discrepancies in drawings/Lack of parking area and drop off area for the crèche).
- Housing – Part V should be provided as own-door or maisonettes/should be pepper potted around the scheme.
- Site Services – developer need to ensure that sufficient waste-water capacity exists/Revised SUDs strategy needed/Groundwater monitoring /Additional details required in the FRA.
- Public Realm- design and layout of units/homezones to the south-west are not acceptable/units needs to be resigned to back onto the back of neighbouring units/cul-de-sac could be redesigned to join up with the cul-de-sac in the Ardconagh estate
- Environment – additional play areas required/green infrastructure solutions to flood mitigation, noise and air pollution, climate impacts and pedestrian/cycle

connections/concern with level of information and assessment undertaken in the School's Assessment.

### 8.2.3 Reports Received by Kildare County Council/Internal Reports

#### HSE

- Noise Impact Assessment required/dedicated pedestrian route directly into Naas town centre should be provided/provision to accommodate a bus stop.
- Diverse variety of recreational spaces should be provided
- Appropriate green infrastructure/energy efficient provisions/waste facilities should be provided.
- Further assessment of schools capacity/social infrastructure should be provided.
- Work hubs to facilitate remote working should be provided.

#### Parks

- Detailed Arboricultural Assessment Report/Comprehensive Landscape Design Rational & Landscape Proposal required.
- Additional and/or revised details/drawings in relation to open space/Suds feature/permeability/boundary treatments/play areas are required.

#### Environment Section

- No objections in principle/likely planning conditions set out.

#### Water Services:

- Developer need to ensure that sufficient waste-water capacity exists
- Revised SUDs strategy needed/Groundwater monitoring required/additional details in relation to surface water infrastructure required /Additional details required in the FRA.

#### Housing

- Revised Part V proposals required.

#### Roads, Transportation & Public Safety

- Consider the site to be a peripheral and /or less accessible urban location as defined within the Design Guidelines for New Apartments March 2018.

- Existing bus serves are not frequent routes/bus stop at Naas Post Office located a 15 to 20 minute walk from the proposed development.
- Evidence of high percentage of car use for all trip purposes/no justification for level of parking provision/will result in parking conflict/overspill parking/shortfall of 148 no. car parking spaces.
- Lack of parking area and drop off area for the crèche/will result in road safety issues.
- Lack of direct overlooking from associated units/discrepancies in drawings. .
- No off road parking for the houses in being provided.
- Proposals are not in accordance with DMURS/no basement/undercroft vehicular spaces are being provided.
- Revised site layout plan indicated revised parking arrangements is required/Stage 1 and 2 Road Safety Audit/Assessment is required.
- Revised public lighting plan required.
- Draft Construction and Waste Management Plan required.

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

#### 8.4. **Consultation Meeting**

8.4.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 07<sup>th</sup> December 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance and contained the following issues:

1. Principle/Density/Status of Draft Naas LAP
2. Design/Layout/Unit Typology/Mix
3. Existing and Proposed Residential Amenity/Development Standards
4. Transport Issues
5. Site Services

## 6. Ecology/Trees/Environmental Screening

## 7. AOB

8.4.2. 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 308365-20' which is on file.

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

## 8.5. **Conclusion**

8.5.1. 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.

8.5.2. I have examined all of the 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, including section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

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

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

## 9.0 Recommended Opinion

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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**

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 Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements. Particular regard should be had to storage facilities for the larger family sized duplex units and it should be ensured that adequate and accessible provision is made to facilitate storage of bulky items such as buggies etc.
2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. This should include details on materials and finishes for the ground floor terrace areas serving the duplex units. Particular regard

should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site. In relation to same, further justification for the proposed protruding balconies serving Unit Type K should be provided, having regard to the concerns raised at the tripartite meeting regarding the potential appearance of same.

3. Justification, and where appropriate amendment, to demonstrate that car parking quantity and location, road layout, including design and materiality of the different street types within the street hierarchy (eg proposed homezones, etc) complies with DMURS. To this end, matters raised in the PA submission (dated 04<sup>th</sup> November 2020) should be addressed in any report/justification relating to the outlined transport issues. In addition, in so far as is applicable for the making of a planning application, the following is required – A Stage 1 and 2 Road Safety Audit/Assessment; a public lighting plan and a Draft Construction and Waste Management Plan.
4. Landscaping Proposals, including a report that provides appropriate rationale and details, and addresses the comments contained within the Planning Authority's submission on this pre-application (dated 04<sup>th</sup> November 2020, including those comments within the internal report from the Parks Section of Kildare County Council (undated) which include the requirement for the following - a Detailed Arboricultural Assessment Report; a Comprehensive Landscape Design Rational & Landscape Proposal Report; cross-section drawings of the proposed open spaces; and additional and/or revised details/drawings in relation to SUDs features/permeability/boundary treatments and play areas.
5. Drainage details, including layouts, relevant consents and reports, such as would clearly address and respond to comments within the internal report from Water Services (dated 23<sup>rd</sup> October 2020), and having regard to the submission from Irish Water (dated 04<sup>th</sup> December 2020), namely the requirement to ensure that the relevant consents to connect to 3<sup>rd</sup> party foul water infrastructure are in place and that such infrastructure is of sufficient standard and has sufficient capacity; additional details as relates to surface water proposals including a revised SUDs strategy; the requirement for a groundwater monitoring and additional details as relates to Flood Risk.

6. A report that addresses issues of residential amenity (both existing residents of nearby development and future occupants), specifically with regards to daylight/sunlight analysis, overlooking, overshadowing, visual impact and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
7. Additional CGIs/visualisations/3D modelling.
8. All supporting technical/environmental reports to be updated as required.
9. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
10. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

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. IFI
3. National Transport Authority
4. Transport Infrastructure Ireland
5. 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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Rónán O'Connor  
Senior Planning Inspector

Date: 27<sup>th</sup> January 2021