



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion**

ABP-310075-21

Strategic Housing Development	125 no. residential units (53 no. houses, 18 no. apartments, 54 no. duplexes), creche and associated site works.
Location	Riverside, Kilcullen, Co. Kildare.
Planning Authority	Kildare County Council
Prospective Applicant	Alchemy Homes Limited
Date of Consultation Meeting	14 th July 2021
Date of Site Inspection	25 th June 2021
Inspector	Conor McGrath

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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

This irregularly shaped site comprises an area of 4.148ha and is located approx. 400m to the west of the R448 bridge over the River Liffey at the centre of Kilcullen. The main body of the site, on its eastern side, is under grass and falls approx. 12m from north to south toward the river. Existing field boundaries comprise mature hedgerows, particularly to the north and west. The site includes an area of open space running east-west along the river which provides a connection to an undeveloped / brownfield parcel of land located between the access road and the river. The application identifies a net site area of 2.96ha, excluding this zoned riverside open space.

The site is accessed via Riverside Drive which provides a connection to the R448 to the northeast of the bridge. An existing housing development at Riverside Manor occupies the intervening lands. To the east of Riverside Manor, construction work has commenced on Phase 2 of this residential development, which was granted permission in 2020. There are vacant lands to the north and west of Riverside Manor.

3.0 Proposed Strategic Housing Development

3.1. The proposed development provides for 125 no. housing units as follows:

Site Area	4.148 ha gross 2.96 ha net of riverside linear park (F zone)
125 no. housing units	53 no. houses (42.4%) 18 no. apartments (14.4%) 54 no. duplexes (43.2%)
Residential density	42 / ha net
Other use	Crèche (298 sq m)
Open Space	1.19 ha, including Riverside open space – 36.22% of the gross site area – 0.312 ha / 10.5% of net site
Parking	205 No. car parking spaces incl. creche – 2 / house – 1.25 / duplex – 1.33 / apartment 234 no. bicycle parking spaces for duplex and apartment units and creche

No.	Bedrooms	House type
18 (14.4%)	One-bedroom	4 No. apartment units and 14 No. duplex units
27 (21.6%)	Two-bedroom	14 No. apartments and 13 No. duplex units
78 (62.4%)	Three-bedroom	27 No. duplex units and 51 No. houses
2 (1.6%)	Four-bedroom	2 no. houses

4.0 Relevant Planning History

- P.A. Reg. Ref. 99/1635: Permission granted in 2000 for 148 no. dwellings comprising 18 no. apartments and 132 no. houses, on an overall site which included the subject pre-application consultation site.
- P.A. Reg. Ref. 00/2221: Permission granted in 2001 for revisions to P.A. ref. 99/1635 comprising a reduction to 145 no. in total. Only 34 of these units were constructed at Riverside Manor were constructed.

- PA ref. 07/2431: Permission refused for 174 no. residential units on the basis of constraints in the wastewater network and wastewater treatment capacity at Osberstown WWTP. This site was to the north and east of Riverside Manor and included the subject site.
- P.A. Reg. Ref. 08/1679: Permission granted in 2009 on a 7.98 ha site for 110 no. units comprising 30 no. apartments, 26 no. duplexes and 54 no. houses, a creche and playground. This application replaced 99/10635 and 00/2221 which had expired. This site included phase 2 & 3 lands to the west of Riverside Manor, including the subject site.

Note: An extension of duration until March 2019 was granted under P.A. Ref. 13/1019. A further extension of duration was granted in 2019 under P.A. Ref. 18/1475 until December 2021.

- PA ref. 19/1000 / ABP Ref. PL09.307059: Permission granted in September 2020 for amendments to Reg. Refs. 08/1679 and 13/1019 for the construction of 90 No. residential units, as Phase 2 of the residential development at Riverside Manor. Construction work has commenced on this development site. The subject pre-application proposals provide for the omission and replacement of 26 of these permitted units.

5.0 Section 247 Consultations with Planning Authority

Correspondence refers to pre-application meetings between the planning authority and the prospective applicant in February 2021, however, no details of such discussions have been received.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. Project Ireland 2040 - National Planning Framework

National Strategic Outcome 1 is identified as Compact Growth, recognising 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 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

Section 3.2 notes the dominance of Dublin in the Mid-East region. A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.

National Policy Objective 6, seeks to regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

Objective 11 favours development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth

Objective 33 prioritises the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)

Kilcullen lies within the ERMA Core Region. The strategy notes that towns in the lower tiers of the settlement hierarchy should provide for commensurate population and employment growth, providing for natural increases and to become more economically self-sustaining, in line with the quality and capacity of public transport, services and infrastructure available. It is considered appropriate that population targets for these towns be defined in the core strategies of development plans, and be reflective of local conditions and place potential.

The policy response is consolidation coupled with targeted rural housing and investment policies where required to improve local employment, services and sustainable transport options and to become more self-sustaining.

RPO 4.83: Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans.

6.1.3. **Rebuilding Ireland – Action Plan for Housing and Homelessness (2016)**

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period.

6.2. **S.28 Ministerial Guidelines**

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the report of the Chief Executive, and observers' submissions, 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.
- Urban Development and Building heights, Guidelines for Planning Authorities.
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual').
- Circular Letter: NRUP 02/2021 in respect of Residential Densities in Towns and Villages, as set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)
- Design Manual for Urban Roads and Streets (DMURS).
- National Cycle Manual.
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated 'Technical Appendices').
- Childcare Facilities – Guidelines for Planning Authorities.

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. Local Planning Policy

6.3.1. Kildare County Development Plan 2017 – 2023 (incl. Variation no. 1)

Variation No. 1 of the Plan was adopted on 09.06.2020 to take account of the National Planning Framework and the Eastern & Midland Regional Spatial and Economic Strategy.

Chapter 2 Core Strategy, notes that growth targets have been allocated to towns, villages and settlements based on the NPF Implementation Roadmap and the RSES. It is the policy to:

- CS 1 Provide new housing in accordance with the County Settlement Hierarchy.
- CS 2 Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.
- CS 3 Support rural communities through the identification of lower order centres including towns, villages and settlements to provide more sustainable development centres in the rural areas.
- 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.

Chapter 3 Settlement Strategy

3.4.2 Sequential Approach All towns, villages, settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance.

Kilcullen is designated as a ‘town’ in Variation no. 1 in the fourth tier of the settlement hierarchy. These are settlements with local service and employment functions near higher order urban areas. It forms an economic cluster with Naas and Newbridge.

Table 3.3 (Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023 identifies a dwelling target of 151 no. units for the period.

3.8 Policies: Settlement Strategy: SS 1 Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements.

6.3.2. **Kilcullen Local Area Plan 2014 – 2020**

The LAP identified a target of 709 housing units for the plan period, however, I note the revised growth targets for the period 2020 – 2022 set out in variation no. 1 of the County Development Plan.

The site is primarily zoned 'C; New Residential, which provides for new residential development and associated ancillary local services.

The existing access and Riverside Manor is zoned 'B; Existing Residential & Infill'.

Lands bounding the river are zoned F: Open Space and Amenity. This zoning objective seeks to protect, improve and provide for recreation, open space and amenity provision; to protect improve and maintain public open space and to provide for recreational and sports facilities.

The Council will not normally permit development that would result in a loss of open space within the town except where specifically provided for in this Plan. In relation to the lands subject to the playground objective illustrated on the Land Use Zoning Objectives Map, the playground will be funded and constructed by the landowner and handed over to the Council prior to the completion of the Riverside Manor housing development.

The southwestern corner of the site is zoned A, Town Centre, to provide for the development and improvement of appropriate town centre uses including retail, commercial, office, residential, amenity and civic use.

The purpose of this zoning is to protect and enhance the special character of Kilcullen town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the centre of a developing town

Lands to the west of Riverside Manor are Zoned C for new residential use and are identified as a Neighbourhood Edge Character Area, for which the vision is to expand the residential area in the eastern quarter of the town and to open up backland areas to facilitate improved permeability and connectivity to the Main Street. The plan sets out an indicative design brief for these lands.

It is the policy of the Council:

- HP 1: To facilitate development in line with its designation as a Moderate Sustainable Growth Town in the RPGs and the CDP and to ensure that development reflects the character of the existing and historic town
- HP 2: To encourage appropriate densities for new housing development while recognising the need to protect existing residential communities and the established character of the town and surrounding area.
- HP 4: Require applications for residential development (over 20 units) to demonstrate the provision of an appropriate mix of dwelling types
- HP 5: Restrict apartment developments generally to town centre locations.
- HP 6: To facilitate and co-operate in the provision of community services including, local services, schools, crèches and other education and childcare facilities in tandem and in the vicinity of all residential development.
- HP 8: To require applications for residential developments over 25 units, to demonstrate how the proposed increase in population will be accommodated in terms of education provision.

Objective SRO 1: To examine the likely future need for a relief road to the east of the town from the R448 Naas Road to R448 Athy Road, and should a need be identified:

- i) to examine route options and investigate the feasibility of providing same having regard to environmental, archaeological and conservation considerations, and the feasibility of constructing a crossing of the River Liffey.
- ii) to preserve the preferred route option free from development
- iii) to seek the construction of this road, including a new crossing of the River Liffey and a new junction with the L6074 Logstown Road.

Objective SRO 5: To implement safety and/or capacity improvements as necessary at the Junctions (including)

b) The R448 and Riverside Manor junction.

The plan sets out natural heritage policies (NH3 – NH13) which seek to protect and enhance habitats and ecological corridors and green infrastructure. Map no. 3 & 3a identify trees and groups of trees of special amenity value for protection under Policy NH 3, including trees in the riparian zone along the River Liffey and all mature trees within residential developments.

Map no. 4 identifies green infrastructure assets and key hedgerows to be retained. The subject lands are identified as a stepping stone site where the northern and eastern boundary hedgerows are key hedgerows.

The plan was subject to screening for SEA and AA and a SFRA was undertaken.

7.0 Submissions Received

7.1. Irish Water: Confirmation of Feasibility for connection to Irish Water Networks has been issued. Wastewater connections are via third party infrastructure, and any application will require the following:

- Evidence of any required consent.
- Identification and transfer to Irish Water of the third-party arterial water and wastewater infrastructure.
- Demonstrate that such arterial infrastructure complies with IW requirements and is of adequate condition and capacity to serve the proposed development.

8.0 Forming 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.

8.1. **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 includes, inter alia:

- Planning Application Form and appropriate fee.
- Cover Letter to ABP.
- Cover Letter to Kildare Co. Co.
- Statement of Consistency.
- Material Contravention Statement.
- Social Infrastructure Audit.
- Part V – Collated Documents.
- Architectural Design Statement.
- Architectural Drawings
- Apartment & Housing Quality Assessment.
- Assorted Schedules, including parking, creche and housing schedules.
- Engineering Service Report.
- Engineering Drawings
- Transportation Assessment Report (incl. Preliminary Travel Plan and DMURS Statement of Consistency).
- Landscape Masterplan, Design Rationale & Specification of the Landscape.
- Landscape Drawings
- Arboricultural Impact Assessment.
- Ecological Impact Assessment.
- Article 6(3) Appropriate Assessment Screening Report.
- Biodiversity Enhancement Plan.

8.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and relevant guidelines issued by the Minister under section 28 of the Act of 2000. Section 5(6) requires that where the proposed development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the statement provided for the purposes of subsection (5)(b)(i) shall indicate why, in the prospective applicant's opinion, permission should nonetheless be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case.

8.3. **Statement of consistency**

The statement considers the following local, regional and national policy documents:

- Kilcullen Local Area Plan (2014 – 2020); and
- Kildare County Development Plan (2017 – 2023).
- Part V of the Planning and Development Act 2000: Guidelines (2017);
- Project Ireland 2040 - National Planning Framework (2018);
- Sustainable Urban Housing: Design Standards for New Apartments (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- The Planning System and Flood Risk Management (2009);
- Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009);
- Urban Design Manual: A Best Practice Guide (2009);
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018); and
- Childcare Facilities – Guidelines for Planning Authorities (2001).

In respect of the Kilcullen LAP 2014, the statement notes that the proposed development:

- Complies with the land use zoning objectives and the range of densities identified and provides an appropriate housing mix.
- Would deliver 271 of the 2026 housing target of 352 no. housing units for Kilcullen, identified in Variation no. 1.
- Includes a childcare facility and 1.5 ha of public open space. A Social Infrastructure Audit has been prepared.
- Complies with DMURS (2019).
- The shortfall in car parking is subject to a Material Contravention Statement.
- Complies with all water, drainage and flood-related policies. A full Site-Specific Flood Risk Assessment will be submitted with the final application.
- Landscaping and open space provide for amenity, legibility and improved biodiversity.

In respect of the County Development Plan, the statement notes that the proposed development:

- Complies with the core strategy, providing for compact urban development within or contiguous to the existing urban footprint of Kilcullen town centre.
- Would deliver 271 of the 2026 housing target of 352 no. housing units for Kilcullen, identified in Variation no. 1.
- Protects the quality of the landscape, open space, recreational resources, and cultural and material assets of the county.
- Provides 125 no. dwellings, including Part V units, in a mix of adaptable dwelling types and sizes.
- Residential densities are appropriate, and having regard to the provisions of the LAP, are not addressed in the Material Contravention Statement.
- Has been designed in accordance with DMURS and encourages sustainable transport modes.
- There is adequate water and drainage capacity to serve the development which will incorporate SUDS principles.
- The landscape strategy retains trees and respects the site's riverside character.
- The design provides for a low-impact addition to this zoned portion of land.

- Landscaping proposals for the riverside open space include a biodiversity corridor / buffer zone along the river. A Biodiversity Management Plan has been prepared.
- The development conforms with the design provisions of the development plan.
- The shortfall in car parking is subject to a Material Contravention Statement.

In relation to national policy guidance, the statement notes the following:

- The provision of 125 No. new homes at a strategically located, zoned site at a sustainable density, responds to the site's characteristics is in accordance with the National Planning Framework.
- The proposal complies with Provisions of Part V Guidelines (2017).
- The proposal is consistent with the Specific Planning Policy Requirements of the Design Standards for New Apartments (2020):
- The design is consistent with Design Manual for Urban Roads and Streets. Efficient and secure internal routes have been provided that prioritise cyclists and pedestrians, whilst also accommodating motorists.
- The proposal is consistent with the Provisions of the Planning System and Flood Risk Management Guidelines (2009). An initial flood risk assessment informed the design of the development. A full Site-Specific Flood Risk Assessment will be prepared as part of the Planning Application.
- The development complies with the Sustainable Residential Development in Urban Areas Guidelines in relation to density, open space and accessibility with natural and built features to assist in place making.
- The 12 no. design criteria outlined in the Urban Design Manual informed the design.
- Childcare facilities are provided in accordance with the relevant guidelines.

8.3.1. **The Material Contravention Statement**

The Material Contravention Statement submitted in respect of S.5(6) of the Act of 2016, refers specifically to material contravention of the Kildare County Development Plan 2017-2023 in relation to:

- The quantum of housing development to be provided / delivered in Kilcullen within the lifetime of the Development Plan; and
- The quantum of visitor car parking provision proposed for apartment and duplex residential units.

Quantum of housing development:

- The development plan, as varied, provides for 151 no. housing units between 2020-2022, with a further 202 no. units in the period to 2026.
- The development plan does not define housing ‘delivery’ but this likely refers to the delivery of completed homes for occupation, rather than permitted housing units and such targets should not necessarily be strictly applied in every case.
- 172 no. units have been granted permission since the adoption of variation no. 1 and the proposed development would result a total of 271 no. units of the 352 no. units to be delivered by 2026.
- The development is therefore within the envelope of 2026 housing delivery target.
- Having regard to the lack of a clear definition of ‘housing delivery’, and the time lag between a grant of planning permission and delivery of dwellings, this should not be considered in material contravention of the Development Plan.
- Where regarded as materially contravening the plan, there is sufficient justification to grant permission for 125 no. units on a strategic, zoned site.
- The proposal accords with the development Plan Settlement Strategy in contributing to the delivery of housing in line with mid-term, evidence-based delivery targets.

Car parking Provision

- The scheme provides for 205 No. car parking, including
 - 68 no. spaces serving no. 54 No. duplex units (incl. 14 no. visitor spaces),
 - 24 no. spaces serving 18 no. apartments (incl. 6 no. visitor spaces).
- The Development Plan identifies a requirement for

- 94.5 no. spaces to serve 54 no. duplex units (incl. 13.5 no. visitor spaces),
- 31.5 no. spaces to serve the apartment units (incl. 4.5 no. visitor spaces).
- This results in a shortfall of 32.5 no. spaces, but still exceeds the car parking standards of the Apartment Design Guidelines.
- Having regard to S.37(2)(b), the statement argues that national policy encouraging modal shift on appropriately zoned and serviced lands justifies the reduction in car parking provision.
- The development plan parking standards conflict with national policy objectives which seek to reduce parking provision at appropriate locations in order to encourage modal shift and compact development integrated with public transport.
- The NPF promotes compact growth and the use of performance criteria particularly relating to building height and car parking.
- The RSES supports measures to reduce car dependence.
- The proposal complies with the NPF and RSES providing an appropriate level of parking at an accessible urban location proximate to local services and public transport while safeguarding appropriate residential amenities and development standards.
- Car parking provision exceeds the standard of the Apartment Design Guidelines.
- The measures / criteria identified in section 4.23-4.26 of the Apartment Design Guidelines are met in that the level of provision is appropriate, cycle parking is provided, alternative modes will be promoted, with clear communication to future residents.

Conclusion

The development will complete and revitalise an established urban site in a prime residential location, and accords with relevant local and national planning policies except marginally in respect of car parking for duplex- and apartment-type residential developments, and potentially in respect of Development Plan housing delivery targets for Kilcullen.

Sufficient justification exists for An Bord Pleanála to grant permission for the proposed development notwithstanding the material contravention of the Development Plan.

8.4. Planning Authority Submission

A submission was from Kildare County Council was received by An Bord Pleanála on 24th May 2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes a statement of the planning authority's opinion in relation to the proposed development and copies of internal reports. While reference is made to pre-application consultation with the prospective applicants, no details of these discussions have been provided.

The report containing the opinion of the planning authority makes the following points:

- Variation no. of the County Development Plan identifies allocated growth to each settlement for the period 2020 – 2023 in line with the NPF and RSES.
- The target for Kilcullen is 151 no. dwelling units, excluding extant permissions.
- The proposed development would appear to comply with Variation no. 1.
- The principle of development is acceptable.
- Future connections to adjoining lands are important given the LAP roads objectives for the area.
- The density of development is acceptable.
- The linear park respects the Special Sensitivity Character of the river and will enhance the area for residents.
- Capacity figures for surrounding childcare facilities may be an overestimate and proposals to reduce the size of the proposed creche are not supported.
- Public open space no. 2 is an incidental space and not a usable open space.
- Open space provision is below the 15% development plan requirement, however, this is compensated for by the proposed linear park.
- Communal and private open space meet or exceed development plan standards.
- The housing mix appears to be justified by the Social Infrastructure Audit.
- A revised approach to Part V provision is required.
- Storage space for all dwellings should meet development plan standards and the Apartment Design Guidelines.
- Amendments to rear boundary treatments are required.
- The layout should take account of the road objective to the east.

- Provision should be made for bus stops in the development.
- A geotechnical report on ground stability is required, having regard to flood events in the Liffey Catchment.
- An inward noise assessment / Acoustic Design Statement is required taking account of the adjoining roads objective.
- Stage I and II Road Safety Audits are required and Walking, Cycle and Access Audits, including account of supervision for the riverside path.
- The TTA underestimates the level of trip generation, given the lack of rail services and local employment. A revised assessment is required.
- Car parking should be increased and clearly identified on the plans. Revisions to the layout are also required.
- Further road and footpath design detail is required.
- Bicycle storage provision should be reviewed.
- A condition survey of the main access road should be undertaken.
- Notwithstanding IW submissions, there are constraints at downstream pumping stations, which necessitate surveys and possible upgrade works.
- Further review and consideration of sustainable drainage measures is required.
- A SSFRA should cover all risks including fluvial, pluvial, groundwater and residual risk, and include a hydraulic flood model for the apartment block site.
- A minimum freeboard of 500mm over the 1% AEP should be provided.
- Further information to allow a full assessment of the development is required in relation to internal storage, boundary treatment, relationship with the adjoining roads objective, potential noise impacts, parking provision and layout.

Copies of technical reports from the following internal sections are included:

- Environment
- Transportation
- Housing

8.5. The Consultation Meeting

A Section 5 Consultation meeting on 14th July 2021, commencing at 2.30pm, via Microsoft Teams. I refer to the record of the meeting in respect thereof.

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 as follows:

1. Planning history and overall development proposals
 - Open space & development plan requirements
 - Childcare capacity
2. Transportation and Roads, incl. relationship with adjoining lands and roads
3. Drainage and flooding
4. Trees and Ecology
5. Design, materials and finishes
6. AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-310075-21' 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.

In relation to the Planning History and Overall Development Proposals, An Bord Pleanála sought further clarification / elaboration on the following:

- The planning history relating to these and adjoining lands and the relationship between the proposed development and existing / permitted development.
- The requirements of the overall lands in respect of open space and childcare.
- The principles of sequential development.
- Clarification with regard to compliance with the Core Strategy of the County Development Plan, and Variation no. 1 thereto.

In relation to Transportation and Roads, An Bord Pleanála sought further discussion / elaboration on the following:

- The status of the eastern relief roads, identified as an objective of the Local Area Plan, and any objectives for linkages through the subject lands to this road.
- The implications for the proposed internal road layout of such objectives.
- The capacity and quality of the existing road network providing access to the site.
- The status of referenced improvements to the junction of Riverside Drive and the R448.

In relation to Drainage and Flooding, An Bord Pleanála sought further discussion / clarification on the following:

- The extent of drainage and attenuation works and compliance with land use zoning objectives.
- Constraints on the downstream foul drainage network.
- The risk of flooding and the requirement for a Site-Specific Flood Risk Assessment.

In relation to Trees and Ecology, An Bord Pleanála sought further discussion / clarification with regard to the following:

- The LAP objectives relating to the site.
- The nature and timing of ecological surveys undertaken.
- Potential cumulative ecological effects with adjacent Phase 2 development

In relation to Design, Materials and Finishes, An Bord Pleanála sought further discussion / elaboration on the following:

- The design and materials proposed, particularly for Duplex Blocks B – D.
- The requirement for a Building Life-Cycle report addressing the requirement to provide high quality, durable and sustainable finishes.

- Playground objective – show compliance with the objectives of the LAP.

In relation to Any Other Business, An Bord Pleanála highlighted the following:

- The need for analysis of Daylight and Sunlight in accordance with the requirements of relevant S28 Ministerial Guidelines.
- Procedural requirements relating to EIA Screening.

9.0 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 Irish Water and of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, including relevant s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

Having regard to all of the above, I recommend that further consideration and / or possible amendment of the documents submitted are required at application stage in respect of the following elements:

- The relationship of the proposed development with the Roads Objective SRO 1 of the Kilcullen Local Area Plan and the design and layout of the proposed access roads having regard to their future function in this regard.
- The uncertainty with regard to the ability to provide a connection from the proposed development to water and wastewater networks which will be required to serve this development.

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

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.

10.0 **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. It is an objective of the Kilcullen LAP 2014-2020, SRO 1, to examine the likely future need for a relief road to the east of the town and to seek the construction of this road, which runs to the east of the site the subject of this consultation. Any application lodged on foot of this opinion should demonstrate due regard to its relationship with this future roads objective.

In particular, the design and layout of the proposed internal road network should have regard to its possible future function as a local link, providing access to the eastern relief road. The design of such roads should be subject to discussion with the planning authority and should demonstrate compliance with the guidance provided in the Design Manual for Urban Roads and Streets (2020). This may require possible amendment to the documents and/or design proposals submitted.

2. The application should clearly demonstrate that the proposed development can connect to the water and waste networks of Irish Water. In particular, the following items should be provided:
 - i) Evidence of any consents necessary to connect to, or through, third-party infrastructure or lands.
 - ii) Detail of the condition and capacity of any such third-party infrastructure to cater for the proposed development.

This may require 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:

1. Further elaboration and clarification with regard to the relationship between the proposed development and existing and permitted development on these and adjoining lands, including Riverside Manor, particularly in respect of the provision of public open space and childcare facilities to meet the cumulative needs of those developments.
2. Amended plan and section drawings which should clearly identify existing and proposed ground levels across the site.
3. An assessment of Sunlight, Daylight and Overshadowing, having regard to the provisions of relevant S.28 Ministerial Guidelines.
4. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of elevational finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site. The rationale for the choice of materials should be clearly set out.

A Building Lifecycle Report in accordance section 6.0 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities December 2020 should be provided.

5. (a) A revised Traffic and Transport Assessment which should consider cumulative impacts with existing and permitted adjacent development. The scope of this assessment should be discussed in advance with Kildare County Council.
- (b) A report demonstrating compliance with the principles and specifications set out in DMURS and the National Cycle Manual. This report should have regard to the intended function of Riverside Drive.
- (c) A Quality Audit in accordance with the provisions of Advice Note 4 of DMURS that includes (i) a Road Safety Audit, (ii) an Access Audit, (ii) a Walking and Cycle Audit. The Quality Audit should consider all aspects of the development including access from the R448 and Riverside Drive.
- (d) Details of measures for the reorganisation and improvement of the junction of Riverside Drive with the R448 in order to serve the proposed development, and confirmation of responsibility for any identified works in this regard.

- (e) The application should have regard to other matters raised in the report of Kildare County Council Roads, Transportation and Public Safety Department, dated 13th May 2021.

This may require possible amendment to the documents and/or design proposals submitted.

6. A Site-Specific Flood Risk Assessment, in accordance with the provisions of the Planning System and Flood Risk Management, Guidelines for Planning Authorities, which shall take full account of the impacts of climate change. Regard should be had to the requirements of the Water Services Section set out in the report of the planning authority dated 24/05/2021, in this regard.
7. Further clarification and confirmation of the capacity of the downstream foul drainage network to accommodate the proposed development. Particular regard should be had to constraints at Athgarvan wastewater pumping station referenced in the report of the planning authority, dated 24th May 2021.
8. Information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 (if an Environmental Impact Assessment report is not being submitted).

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. Kildare Childcare Committee
3. Inland Fisheries Ireland
4. Minister for Housing, Local Government and Heritage

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.

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.

Conor McGrath

Senior Planning Inspector

16/07/2021