



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-310943-21**

Strategic Housing Development	152 no. residential units (120 no. houses, 32 no. apartments), creche and associated site works.
Location	Shackleton Road, Ballymakealy Upper, Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Prospective Applicant	Gleanveagh Homes Limited
Date of Consultation Meeting	1 st November 2021
Date of Site Inspection	28 th October 2021
Inspector	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

- 2.1.1. The site is located within the townland of Ballymakealy Upper. The subject site is situated to the west of the R403 main arterial route through Celbridge. The total site area is 4.67 hectares and is generally flat in nature. There is an existing open drainage channel along the northern boundary which is bounded by mature hedging. The site is bounded to the north by a construction site, to the west and south by agricultural lands. A large number of residential units are located to the east of the site.

3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed development consists of following:
- The construction of 152 no. residential units comprising a mixture of 120 no. 3 and 2 bed semi-detached and townhouse/terraced units and 32 no. 1, 2 and 3 bed apartments/duplex units;
 - A creche/childcare facility to accommodate circa 40 childcare places;
 - The provision of landscaping and amenity areas scattered throughout the development including an adventure playground, a linear park, a central square and play equipment; and
 - All associated infrastructure and services including 1 no. vehicular access point on to Shackleton Road, improvements to pedestrian footpath and cycleway along

Shackleton Road, roads, parking, lighting and drainage at Shackleton Road,
Ballymakealy Upper, Celbridge, Co. Kildare

The following development parameters are noted:

Parameter	Site Proposal		
Application Site	4.67 Ha		
No. of Dwelling Units	152	Other Uses	Creche 346 sq. m
Density	32.5 units/ha		
Height	Up to 3 storeys		
Car Parking	331 no. spaces		
Access	From Shackleton Road		
Overall Mix	Houses: 48 x 2 bed; 72 x 3 bed Apartments/Duplexes: 12 x 1 bed; 10 x 2 bed; 10 x 3 bed		

4.1 National and Regional Policy

- 3.1.2. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Governments new Housing for All Plan which identifies the need to increase housing supply as a critical action.
- 3.1.3. The Eastern and Midland Regional Assembly - Regional Spatial and Economic Strategy 2019-2031 (RSES) provides a development framework for the region through the provision of a Spatial Strategy, Economic Strategy, Metropolitan Area Strategic Plan (MASP), Investment Framework and Climate Action Strategy. Celbridge is located within the Metropolitan Area.

Local Policy

Kildare County Development Plan 2017-2023 (as varied)

- 3.1.4. Variation no. 1 was adopted in June 2020 to take account of the provisions of the National Planning Framework and the Regional Spatial and Economic Strategy.
- 3.1.5. Under the variation Celbridge is identified as a self-sustaining town, the 3rd category of settlement, and it is allocated a target housing figure of 603 new dwellings in the period of 2020-2023. It envisages that 1,406 new dwellings would be in line with projections under the NPF in the period ending in 2026. Section 2.11.4 of the varied plan states that self-sustaining towns required contained growth focusing of services, infrastructure and employment to balance housing delivery.
- 3.1.6. Section 4 of the development plan refers to housing. Table 4.2 indicates that residential development on greenfield sites should be at densities of 30-50dph. Section 15 of the plan refers to urban design. Section 15.5.2 says that development on greenfield sites should be at a lower intensity providing a transition to the open countryside. Table 15.1 states that apartments will not normally be permitted on greenfield edge developments. Section 17 provides development management standards. Section 17.4.6 states that apartment schemes shall only be considered in appropriate locations at a suitable scale and extent. Table 17.9 sets out car parking standards. Section 17.7.6 states that these are maximum standards, apart from those in the residential category.

Celbridge Local Area Plan 2017-2023

- 3.1.7. The site is zoned C: New Residential/Infill. The subject site within a Key Development Area (KDA 3). Table 4.1 of the LAP outlines the residential capacity for the KDA. The quantum of land within KDA 3 is 13.7 Ha, with an estimated residential capacity of 411 units with an estimated density of 30 units/ha. The LAP also sets out a design brief to guide development in this area.
- 3.1.8. There is an objective to provide a pedestrian and cycle route along the eastern edge of the site with a local road/street indicated to the north and south of the site. There is a requirement for a landmark building to the south-eastern corner of the site. The LAP maps the parts of the town within flood risk zones and the northern part of the site is shown to lie within Flood Zones A and B. The map indicates that development proposals on this site will require the submission of a Site Specific Flood Risk Assessment. Section 4.4 of the plan states that it is proposed to prepare a Transport

Management Plan (including Public Transport Accessibility Strategy) to support the sustainable growth and development of Celbridge. The proposed Transport Management Plan will include recommendations for the phasing of development on the basis of the timely delivery of strategic infrastructure. Section 6.3.2 of the LAP states that a childcare provision of 20 spaces per 150 homes is appropriate in new housing developments. Objective MTO1.8 states the new housing should provide permeability to adjoining development or greenfield sites with development potential.

Section 28 Ministerial Guidelines

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

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’).(2009)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (Updated December 2020)
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.
- ‘Design Manual for Urban Roads and Streets’ (DMURS) (2019) / DMURS Interim Advice Note – Covid 19 (2020)
- ‘The Planning System and Flood Risk Management’ including the associated ‘Technical Appendices’.
- ‘Childcare Facilities – Guidelines for Planning Authorities’.
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities – May 2021

4.0 Planning History

Subject site

4.1.1. None.

Site to the North

- 4.1.2. 303295-28 SHD Application – Permission granted for 167 no. dwelling houses and 84 no. apartments; erection of two new ESB pylons to intercept existing overhead wires and the diversion and undergrounding of the two existing 38 kv overhead cables; upgrading of existing junction at the corner of Shackleton Road and Oldtown Road and other associate site works.

5.0 **Section 247 Consultation(s) with Planning Authority**

- 5.1. A section 247 pre-application consultation took place with Kildare County Council on 21/04/2021.

6.0 **Irish Water Submission**

- 6.1. Irish Water assessed and issued the applicant a Confirmation of Feasibility for connection(s) to the Irish Water network(s) subject to the following:
- Wastewater –significant wastewater network capacity constraints in this area/Drainage Area Plan is currently underway in the Lower Liffey Valley Catchment/currently have projects in the Lower Liffey Valley Catchment, the Primrose Hill Pumping Station Project and Castletown Rising Main Project will provide solutions to the capacity constraints/currently scheduled to be delivered in Q4 2023 and Q4 2025 (subject to change)/Alternatively, where a connection is proposed in advance of the delivery of strategic solutions in this area, Irish water are willing to review Storm Sewer Separation proposals from the catchment, in order to provide additional wastewater capacity/would require co-operation/agreement from Kildare County Council, as the storm drainage authority/ wastewater network will have to be extended 170m in order to connect to the network on the Clane Road.
- 6.2. Applicants are required to engage with Irish Water in advance of any SHD application.

7.0 **Forming of the Opinion**

- 7.1. 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.

7.2. Documentation Submitted

- 7.2.1. 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.

7.3. Planning Authority Submission

- 7.3.1. 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.

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

- Site is zoned C: New Residential/Infill – Principle acceptable
- Designated as a Key Development Area (KDA) – KDA 3 in the Celbridge LAP – 19.9 Ha/capacity for 600 units at 30 units/ha
- Capacity for the development – dwelling unit target to 2026 is 1406 – capacity for 434 units to 2026 – however raise the issue of target period to 2023 (there is only 603 units allocated to 2023 and 972 units have been granted)
- Density – acceptable having regard to density parameters as set out in the CDP (30-50 units per hectare for Outer/Suburban Greenfield) and the LAP (minimum 30 units per hectare)
- Open space provision (19% of site area) is above the 15% min requirement
- Statement of Housing Mix required (as per Table 17.3 of the CDP)
- Recommended that 4 bed units are provided
- Different character areas should be outlined
- Design of Block B (to the Shackleton Roads) is not sufficiently distinct/does not meet the description of a 'Landmark' Building as required in the LDA

- Floor space and storage areas of a number of units below that as required by the CDP
- Concern in relation to internal layout of the 3 storey maisonettes/bedroom below KDL area

Internal Reports

Water Services:

- Highlight wastewater capacity constraints – Irish Water currently has projects to overcome these – scheduled to be delivered in Q4 2023 and Q4 2025
- Irish Water willing to look at Storm Sewer separation proposals - details of same are needed
- Highlight if units will be occupied before completion of relevant Irish Water projects
- SUDs strategy – revisions needed
- Groundwater monitoring required.
- Revisions to the Flood Risk Assessment Required

Roads and Transportation Department

- Detailed comments in relation to road lengths, corner raid, footpath and road widths, car parking standards, Swept Path analysis, design details of improvement works, details of connections to the development to the north, sight visibility, road safety audit, TTA, public lighting, EV charge points, future proofing to provide for a 4th Arm to junction to the south to allow for link road as per LAP, noise assessment.

Parks Section

- Applicant to submit further details regarding the proposed landscaping, boundary treatments play areas and impact on trees/hedgerows

Housing Department:

- Revised Part V proposals required/Condition recommended.

Environment Section

- Waste management strategy required

Chief Fire Officer

- No objections to the planning application subject to conditions in relation to fire safety.

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

7.4. **Consultation Meeting**

7.4.1. A Section 5 Consultation meeting took place via Microsoft Teams on the 24th September 2021. 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/Core Strategy/Density
2. Design and Layout including landscaping/open spaces
3. Residential Standards
4. Existing Residential Amenity
5. Transport
6. Trees/Hedgerows/Environmental Screening
7. Site Services/Flood Risk
8. Any Other Business

7.4.2. 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 310943-21' which is on file.

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

7.5. **Conclusion**

7.5.1. 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.

- 7.5.2. 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.
- 7.5.3. 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.
- 7.5.4. 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.

8.0 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. Revised and updated details as part of a Drainage Design/Civil Engineering Report, and associated drawings, which outlines how the proposal intends to overcome the capacity constraints in the Irish Water wastewater network, as highlighted in both the submission from Irish Water (dated 27/08/21), and in the submission from the Planning Authority (dated 20/08/21). Such details shall address comprehensively the issues raised in both submissions and include details of *inter alia* the specific projects scheduled under the Irish Water Capital Investment Programme that seek to address the capacity constraints related to development on this site, expected occupancy timelines for the proposed units and/or any alternative foul water proposals for the proposed development, as referred to an option in the submission from Irish Water (i.e. Storm Sewer Separation proposals).
2. Further elaboration and clarification, and if necessary amended proposals, so as to demonstrate how the proposed development complies with the requirements of DMURS, in particular; (i) the relationship of the proposed corner dwellings and boundary treatments to the proposed road network and to adjacent dwellings, having regard to the need to avoid or minimise blank walls and fences that restrict surveillance and movement (ii) demonstration of adequate sight-lines where appropriate (iii) parking quantity and location, road hierarchy and layouts, including design and materiality of the proposed shared surfaces. To this end, matters raised in the tri-patriate meeting, should be addressed in any report/justification relating to above issues.
3. Further elaboration and clarification, and if necessary amended proposals, so as to demonstrate how the proposed development complies with the requirements of

the Celbridge LAP 2017-2023 for Key Development Area 3, in particular, the provision of a landmark building on the south-eastern corner of the site. To this end, matters raised in the PA submission (dated 20/08/21) and as raised in the tri-patriate meeting, should be addressed in any report/justification relating to the above issue.

4. Further elaboration and clarification, and if necessary amended proposals, so as to demonstrate how the proposed pedestrian and cycle connections to the permitted development to the north are to be delivered, as part of any application on this site. In relation to same it is noted that the location of northern portions of the cycle/pedestrian connections lie outside the red line boundary of the site. Additional details are also required (detailed drawings/cross sections etc) in relation to the detail of such connections and the manner of which they cross the existing watercourse to the north of the site.
5. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
6. A Housing Quality Assessment (HQA) and Design Statement which provides the specific information regarding the proposed apartments as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December, 2020). The documentation should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements.
7. 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. 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.
8. Surface Water Drainage details such as would clearly address and respond to comments within the internal report from Water Services (dated 30/07/21), and,

where relevant, having regard to the submission from Irish Water (dated 27/08/21).

9. A revised Site Specific Flood Risk Assessment such as would clearly address and respond to comments within the internal report from Water Services (dated 30/07/21).
10. 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 20/08/21), including those comments within the internal report from the Parks Section of Kildare County Council.
11. All supporting technical/environmental reports to be updated as required.
12. A plan of the proposed open spaces within the site clearly delineating public, communal and private spaces.
13. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
14. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
15. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

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. Transport Infrastructure Ireland
4. 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.

Rónán O'Connor
Senior Planning Inspector

Date: 26th November 2021