



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-311390-21

Strategic Housing Development

Demolition of existing structures on site, construction of 606 no. residential units (353 no. houses, 253 no. apartments), creche and associated site works.

Location

Land's surround and including the dwellings of 'Greatconnell' and 'Valencia Lodge', Great Connell, Newbridge, Co. Kildare.

Planning Authority

Kildare County Council

Prospective Applicant

Aston Ltd.

Date of Consultation Meeting

22nd of October 2021.

Date of Site Inspection

07th of October 2021.

Inspector

Karen Hamilton

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site is a large greenfield site located to the north east of Newbridge, Co. Kildare. The site bounds the River Liffey and is accessible from the Great Connell Road which radiates to the south of the R445, c. 2km from Junction 10 onto the M7.
- 2.2. The site is located to the south of a suburb housing estate, Wellesley Manor. The site contains a commercial premise along the front, east of the site and two large agricultural sheds.
- 2.3. The topography of the site is relatively flat with slight incline west, towards the River Liffey. Much of the site is used for tillage farming and there are mature trees and hedgerows around the field boundaries. An Irish Water foul sewer wayleave crosses the site from west to northeast and there re overhead power cables crossing the site along the east.

3.0 Proposed Strategic Housing Development

- 3.1. The development will consist of the demolition of the existing structures on the site comprising two detached dwellings (total GFA 533.3m²), two former agricultural sheds (total GFA 2,035 m²) and a three-sided shed (total GFA 54m²) and the construction of 606 no. dwellings.
- 3.2. The scheme includes a portion of the Newbridge Southern Outer Orbital Relief Road (NSOORR). Part of this route will be constructed as part of SHD granted ABP 302141-18 (currently under construction).

3.3. Overall Key Parameters

Site Area	
Units	606 units
Creche	810m ² (capacity 138 no. children).
Neighbourhood Centre	Unit 1- 12 (commercial) 2,174m ² 6 no. ground floor and 6 no first-floor commercial units. GFA non-residential 2,993m ² (4.5% of the overall floorspace).
Car parking	1,084 no car parking spaces
Bicycle Parking	416 no bicycle parking spaces
Newbridge Southern Outer Orbital Relief Road (NSOORR)	Part of road proposed (c. 350 m) Connecting to vehicular access at the existing roundabout at Great Connell Road Bus stops are included to serve the NSOORR
Part V	10%
Density	c. 37.5 uph
Public Open Space	c. 2.1 ha in 17 no. open space areas (17.5%)
Communal Open Space	c. 512m ² in apartments A, B & C and neighbourhood centre

3.4. Breakdown of residential mix

Unit (apartment & Houses)	Quantity	Mix %
1 bed	36	6%
2 bed	209	34%
3 bed	275	45%
4 bed	86	14%

Total	606	100%
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4.0 Planning History

4.1. On the site

ABP PL 09.218894 (Reg Ref 05/1564)

Permission refused on appeal for a 2-storey commercial/community centre consisting of 4 no. 100m² shop units, pharmacy unit etc. as the proposal was premature pending the final layout and design for the Newbridge Outer Relief Road.

4.2. **ABP VV09.303065 (VS-012) & ABP VV90.303069 (VS-013)**

The Board determined that the site was not vacant within the meaning of the Act for the period concerned.

4.3. Site to the south on the opposite side of the River Liffey

SHD ABP 302141-18

Permission granted for 343 no residential units (23 no houses, 60 no apartments) childcare facility and all associated site works.

4.4. Current SHD applications in Newbridge

ABP 310912-21

Permission applied for 336 no. residential units at Ballmany, Newbridge

A previous SHD proposal was refused by the Board for reasons of inappropriate design solution, surface water management and inappropriate design of the Link Street which could not meet the requirements for Objective SRO(b).

ABP 311040-21

Permission applied for the demolition of buildings on site and the construction of 204 no. residential units and site works.

5.0 Relevant Planning Policy

5.1. **Kildare County Development Plan 2017-2023**

Newbridge is a Self-Sustaining Growth Town

CS 5- Support key towns such as Newbridge as focal points for regional critical massing and employment growth.

Table 3.3: Settlement Hierarchy- Population and Housing Unit Allocation 2020-2023

- Newbridge- Pop growth 1,957 & Dwelling target 699

5.2. **Newbridge Local Area Plan 2013-2019** (extended to 22nd of December 2021)

There are 2 no. zoning objectives applying to the development site.

Zoning

Most of the site is zoned 'C13 – new residential' where it is an objective to:

“To provide for new residential”

Part of the site along the river has the zoning objective 'F: Open Space and Amenity', where it is an objective to:

“The aim of this land use zoning objective is to protect recreation, open space and amenity areas, to maintain and improve amenity lands, to preserve private open space and to provide recreational facilities”

Housing Location & Density

Specific policy objectives C12, C13 & C14 apply to the site.

Table 10 lists sites zoned for new residential development.

The subject site is listed as C12, C13 & C14

- C12- 14 ha & 518 dwellings
- C13- 2.5 ha & 87 dwellings
- C14- 7.3 ha & 255 dwellings

Residential density of 35-50 uph will achieve these targets.

LAP Policy HL 5 requires applications > 20 units to demonstrate an appropriate housing mix.

Neighbourhood Centre

- C13- The provision of a small, high quality designed neighbourhood centre to serve the local population will be acceptable as part of the overall development of the lands.

Development Contribution Scheme

In accordance with Section 49 of the Planning and Development Act 2000-2013, a special Development Contribution Scheme may be required for zonings HI. (12, 13, C14 & C15 to contribute to the strategic objective of delivering a southern relief road in accordance with Objective SRO 5.

Road Policy

Policy SR05 (a) To seek the construction of the following transport links, subject to environmental and conservation considerations, as identified on Maps 2 & 7 and to preserve these routes free from development:

- (a) The Southern Relief Road from the R445 at Littleconnell (A) to the R416 Athgarvan Road at Kilbelin (B), including a new crossing over the River Liffey.

Green Infrastructure

- Policy GI1: summarised as follows: require all proposals to submit a landscaping plan to detail how any green infrastructure would contribute positively and protection of all assets of Newbridge identified in Map 6.
- Objective GI01: seeks to require all new developments to contribute to the protection and enhancement of existing green infrastructure assets, as identified on Map 6, through the provision of new green infrastructure as an integral part of any planning application.
- Map 6: identifies key hedgerows on the southern boundary between land zoned C12 and C14 and Policy GI applies.

6.0 Section 247 Consultation(s) with Planning Authority

6.1. The PA report includes the minutes from two S247 meetings held on the 25th of March 2021 and the 12th of July 2021 as summarised below:

- Urban design response to the site was presented.
- Density at 38 uph is similar to other SHD permission
- Neighbourhood centre should have a mix of uses.
- The treatment between houses in each area should be varied.

- Surface water details are required.
- There was a preliminary road in 2004 Part VIII by KCC. The NSOORR should be fully operational.
- The traffic assessment is reliant on the full connectivity of the relief road. There are plans to look at the local network.
- The LAP expires in 2021 and the proposal should comply with Variation No. 1 of the KCDP.
- Part V details are required.
- Need compliance with the Greater Dublin Drainage Scheme.
- Surface Water Outfall and flooding need to be assessed in total.
- The flood extents are slightly more than the CFRAMs.
- The southern relief road will go through the flood plain.
- There is some loss of flood storage although compensatory storage will be provided down stream of the site.
- There may be a need to change the roundabout at Great Connell to a signalised junction.
- The bridge itself would cost 6.8 bn. KCC was turned down for Urban Regeneration and Development Funding (URDF).

7.0 **Prospective Applicant's Case**

7.1. Statement of Consistency

The applicant's Statement of Consistency notes the national, regional and local planning policies relevant to the development of the site.

7.2. Statement of Material Contravention

The applicant has submitted a Statement of Material Contravention to state that it is considered the proposal represents a material contravention of the Kildare County Development Plan (KCDP) for reasons of Housing Allocation and the Newbridge LAP for reasons of building typology as summarised below:

Housing Allocation

- KCDP allocated 606 units for Newbridge between 2020 and 2023.
- Two SHD applications currently in the planning system (311040-21- 204 units & 310912-21 336 units) for 540 no. units
- Phase 1 of the proposal is 180 units.
- The proposal in conjunction with the 2 SHD applications will provide housing up to 2023 and into the new development plan (currently being reviewed).

Building Typology

- Policy HL 6 of the LAP restricts the provision of apartments and duplex units to the town centre or along public transport route.
- The proposal includes 253 no. apartments and duplex units.
- Notwithstanding the proposal for a bus stop on the site, the proposal represents a contravention of this policy.
- The proposed residential density of 35 uph is provided, necessary to ensure development on residential lands in accordance with the Sustainable Residential Development in Urban Areas (2009).

8.0 Planning Authority Submission

8.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Fingal County Council, submitted their opinion in relation to the proposal on the 13th of October 2021.

8.2. The PA opinion notes the S. 247 meetings in relation to the proposed SHD development, the planning history on the site and surrounding area, and the policy background.

8.3. Quantitative Assessment

8.3.1. Core Strategy

- The proposed development would be acceptable on its own (606 unit) although the Board is recommended to have regard to the two SHD applications currently lodged.

- The combined quantum of housing units would be 1,146 units which would contravene the growth projection figures for Newbridge.
- The draft plan of Kildare may have revised housing figures.
- The applicant should provide a phasing plan to better align the delivery of housing in Newbridge with the adopted Core Strategy at a minimum.

8.3.2. **Density**

- Table 11 of the LAP includes indicative residential densities.
- Table 4.2 of the KCDP includes densities of 35-50 for outer suburban/ greenfield.
- The density provided is appropriate for the outer suburban site.

8.3.3. **Plot Ratio**

- Table 17.1 of the KCDP requires a plot ratio of 0.25 – 0.35 for sites which are remote from public transport.
- The proposed plot ratio is 0.265 which is acceptable.

8.3.4. **Public Open Space**

- 17.4% of the site is provided for open space.
- The minimum of 15 % has been complied with.
- The overall design is acceptable.

8.3.5. **Residential Mix**

- 606 units are proposed, 353 houses (58%) and 254 apartments/duplex (42%)
- 6% of bedroom apartments are proposed.
- The proposal complies with SPPR1 whereas less than 50% are 1-bedroom units.

8.3.6. **Building Heights**

- Most of the taller buildings face onto the NSORR (road objective SRO5a).
- The use of different heights allows scaling up or down between adjoining development.

8.3.7. Part V

- The developer is proposing 10%.
- The new legislation requires 20% with an exception having regard to certain dates for purchase of lands.
- The developer should review the Part V proposals or provide details of the land purchase.

8.3.8. Creche

- The size of the crèche will accommodate 13 no. children.
- The proposal requires a crèche for 161 no. childcare spaces and an increased childcare facility should be submitted.
- A Social Infrastructure Audit should be undertaken to include the community facilities and school places.

8.3.9. Water Services

- The foul sewer across the site forms part of the Upper Liffey Valley Sewerage Scheme.
- The layout of the scheme responds to the wayleave without incorporating useable space.
- The eastern half will fall by gravity to a discharge connection in the north east while the western half will fall by gravity to a pumping station in the north and it will be pumped to the existing sewer.
- 9 no. attenuation tanks are proposed.
- Water Services have a detailed submission.

8.3.10. Access, Permeability and Car Parking

- Without the provision of the bridge and connection into the town via the NSORR the proposal will not provide any permeability into the town centre.

8.3.11. Principle of development

- The principle of development is acceptable.
- The main issues with compliance with the 12 criteria in the Urban Design Manual relates to the inclusion of the NSSORR and the SuDS and to comply with a design solution.

8.4. Interdepartmental Reports

Transport Department: The full extent of the road (NSORR) up to and including the bridge should be constructed and operational as part of this application.

Parks Department: Recommend redesign of the open space for a more meaningful design. An Arboricultural Assessment and Landscape Design Rationale proposal should be submitted.

Water Services Department:

- The need for a WWPS should be reviewed with IW as the site can be served by gravity connection as it is immediately adjacent to a brand-new sewerage system.
- The proposed treatment of the surface water is unacceptable, and a redesign is required to include a nature-based solution.
- At least 6 months of groundwater monitoring should be undertaken.
- A revised SSFRA should take into account additional information and any third-party scrutiny. It appears there is a relocation of floodwaters to adjoining property outside the site.
- There should be regard to the planning history (water) for the adjoining SHD to the west (Ardstone- Glenveagh).

Environment Section: A Waste Management Strategy and Construction Phase Surface Water Management Plan are required.

Fire Service: Recommend locations for turning facilities, fire safety certificates, location of fire hydrants etc.

Housing Department: Reference to the 10/20%, the change in the legislation and the need for the applicant to provide the date of purchase of the lands.

9.0 Irish Water

9.1. The Irish Water submission (20th of October 2021) confirms that a Confirmation of Feasibility has been issued for 606 no. residential units, creche and associated works, subject to the following:

9.2. In respect of **Wastewater**:

- A connection to service the development must be made to the new 900mm sewer traversing the proposed site.
- The newly constructed 600mm pumped rising main (900mm gravity Newbridge Eastern Interceptor Sewer) which traverses the subject site west-east shall be provided with a suitable wayleave to IW specific requirements.
- The applicant has engaged with IW in relation to the proposed diversion (DIV21230) of the existing 450mm Kilcullen- Athgarvan sewer which traverses the subject site south-north which shall also be provided with a wayleave.
- The assessment is ongoing and further information may be requested including calculations to ensure that the diversion route will maintain self-cleansing conditions.
- Further engagement with IW prior to submission of an SHD application is requested.
- The need for the proposed site wastewater pump station (WWPS) will be agreed with IW as part of any connection agreement as it may be feasible to serve the development by gravity connection given the sites adjacency to a new IW public sewerage system.

In respect to **Water**:

- Connection is feasible to the existing 300mm D1 main
- A new connection has to be a 200mm ID pipe.

10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 22nd of October 2021, commencing at 10.00am, via Microsoft Teams.

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 as detailed below:

1. Development Strategy, *inter alia*, design & layout of neighbourhood centre, location of duplex units, creche.
2. Core Strategy.
3. Zoning.
4. Traffic & Transport, *inter alia*, Newbridge Southern Outer Orbital Relief Road (NSOORR), TTA, car parking strategy.
5. Drainage & Water, *inter alia*, pumping station, surface water and flood risk assessment.
6. Any Other Matters.

10.2. In relation to the **Development Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The design, layout and interaction of the proposed development along the Great Connell Road.
- The location of dwellings within the public open space, the functionality and useability of the space.
- The 12 Criteria in the Urban Design Manual and the need to ensure the overall design complies with the these.
- The size of the crèche and the need to serve the proposed development.

10.3. In relation to the **Core Strategy**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The two other SHD applications currently before the Board.
- The population allocation as set out under Variation No.1 of the county development plan.

- The material contravention statement submitted, the justification for an increase in the population allocation and the further consideration of the site as a location for increased density.

10.4. In relation to the **Zoning**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The uses proposed within the neighbourhood centre.
- The design and layout of the proposed development and the open space zoning.

10.5. In relation to the **Traffic & Transport**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The requirement for the delivery of the Newbridge Southern Outer Orbital Relief Road (NSOORR).
- The inclusion of the bridge and relief road in the plans and particulars, the environmental considerations and the information in the Traffic and Transport Assessment.
- The information contained in the Traffic and Transport and the impact of the proposed development on the Newbridge traffic flow.
- The need for the relief road to be open and operational before commencement of development.
- The proposed upgrades along the Great Connell Road, existing and/or proposed roundabouts.

10.6. In relation to the **Drainage & Water**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The inclusion of the proposed bridge, across the River Liffey, in the Site-Specific Flood Risk Assessment.
- The wider environmental impacts and flood risk assessment of the channel works along the River Liffey and the implications downstream and on third party lands and the wider catchment area.

- The permitted SHD to the south of the River Liffey (ABP 302141-18), the inclusion of this development within the baseline assessment of the flood risk assessment and the potential for these lands to be in Flood Zone A and B.
- The Irish Water submission and the need for a connection to the existing pump station via gravity.
- The design of the surface water treatment, the need for more natural attenuation, inclusion of SuDS and the location of attenuation tanks in potential flood zones.

10.7. In relation to the **Any Other Matters**, An Bord Pleanála representatives sought further elaboration/discussion/consideration on the following:

- The Part V requirement (10% or 20%) and the date of purchase of the site.
- The quantum and quality of public open space within the development and along the River Liffey and the absence of any detailed assessment of the roll out and delivery of open space areas for the proposed development and wider community.

11.0 Assessment

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 prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

Conclusion

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.

12.0 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 requires **further consideration and amendment to constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála.

1. Traffic and Transport

Further consideration and/or justification of the documents as they relate to the traffic and transport provision. The submitted documentation should address the requirements of the Newbridge Local Area Plan 2013-2019 (as extended) for the delivery of the Newbridge Southern Outer Orbital Relief Road (NSOORR) and compliance with Objective SRO5a. Regard should be given to the submission of a Traffic and Transport Assessment, including, *inter alia*, potential scenarios with and without the bridge, capacity of the surrounding junctions and the impact of the proposed development on the surrounding road network. Plans and particulars should clearly indicate compliance with the required upgrades stated in the Transport Section Report, including any third-party consents required for works, the need for signalised junctions in the vicinity of the site and the DUMRS standards for the internal network.

2. Flood Risk Assessment

Further consideration and/or justification of the documents as they relate to the Site-Specific Flood Risk Assessment. The submitted documentation should include the current permitted and under construction SHD development (ABP 302141-18) in the baseline assessment and full details of all infrastructural works required for the proposed development. Plans and particulars should clearly indicate compliance with national guidance, *The Planning System and Flood Risk Management- Guidelines for Planning Authorities (2009)*, and the accompanying technical documentation, *inter alia*, full details of compensatory storage areas, alterations to all watercourses and drainage ditches, ground level changes, water level changes and a detailed assessment of the impact of flooding on any third-party lands.

3. Open Space

Further Consideration and/or justification of the documents as they relate to the proposed development strategy for the site in particular the design of the communal and public open space throughout the site and along the River Liffey. Particular regard should be had to 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). Plans and particulars should clearly indicate the delivery of high-quality design of the open space which demonstrates useable and functional areas for all sectors of the community and a wide range of age groups. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. An updated Statement of Material Contravention to address the need for a contravention of the Kildare County Core Strategy. The documentation should cross reference the appropriate development strategy necessary to comply with national guidance for sustainable residential development and the justification for a population on the subject site. In addition, any references to promotion of development and the circumstances of Newbridge, including those relating to the

availability or otherwise in the town, and surrounding area, of housing, development land, employment, commercial or social services, should be based on verifiable facts.

2. Justification for the size of the crèche, compliance with the national guidelines, *Childcare Facilities- Guidelines for Planning Authorities (2001)*, and an analysis of the childcare provision in the vicinity where justification for the reduced size for the childcare facility is proposed.
3. A plan clearly illustrating the proposed boundary treatment, integration of pedestrian and vehicular access and any consents necessary to undertake works.
4. Response to issues raised in Appendix B of Planning Authority Report, which includes the internal reports of the Drainage Dept. relating to the SUDS hierarchy, and the Park Department relating, inter alia, design approach and landscaping etc.
5. A zoning map which includes the land use zoning on the site with an overlay of the proposed development and all associated infrastructure works.
6. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces
7. 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.
8. 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

9. 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. Transport Infrastructure Ireland.
3. National Transport Authority
4. Minister for Culture, Heritage and the Gaeltacht (natural heritage)
5. Heritage Council (natural heritage)
6. An Taisce — the National Trust for Ireland (natural heritage)
7. The relevant Childcare Committee
8. The Department of Education and Skills
9. Inland Fisheries Ireland
10. Waterways Ireland

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.

Karen Hamilton
Senior Planning Inspector

01st of November 2021