



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311684-21**

| | |
|--------------------------------------|--|
| Strategic Housing Development | 219 no. residential units (42 no. houses, 177 no. apartments), creche and associated site works. |
| Location | Site at the former Devoy Barracks, John Devoy Road, Naas, Co. Kildare. |
| Planning Authority | Kildare County Council |
| Prospective Applicant | Land Development Agency |
| Date of Consultation Meeting | 15/12/2021 |
| Date of Site Inspection | 01/12/2021 |
| 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

- 2.1. The site forms part of the former Devoy Barracks lands in Naas, Co. Kildare, located c. 750 metres south-west of Naas Town Centre. The site is accessed from John Devoy Road to the south, which runs south from the Newbridge Road (R445) to the South Orbital Road. The irregularly shaped site has a stated gross area of 4.14 ha and is generally under grassland and scrub with some trees and hedgerow along the western and southwestern boundaries. The site slopes generally from north to south and Yeomanstown / Rathasker Stream flows east along the southern.
- 2.2. Lands to the east are occupied by the offices and car park of Kildare County Council, along with a Civil Defence facility and the recently completed MERITS innovation hub. To the west of the site is an established housing development, *Arconagh*. The rear gardens of two-storey housing in Devoy Terrace back onto the northern site boundary. A single-storey dwelling constructed to the rear of no. 6, backs almost directly onto the site boundary. There is a small cluster of industrial units to the northeast, accessed from Newbridge Road via St. Patrick's Terrace. There is also a significant level of residential development taking place on lands bounding John Devoy Road to the south of the site.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the construction of 219 no. dwelling units on the lands, comprising 42 no. terraced houses and 177 no. apartments, and a childcare facility with a stated capacity of 59 no. spaces. Building heights range from 2 to 5-storeys. Access is proposed from the southeastern corner of the site, off the existing roundabout on the John Devoy Road. Car parking comprises a mixture of surface and on-street parking, and an area of undercroft / podium parking. Pedestrian and cycle connections to adjoining lands are facilitated, particularly north-south along the eastern site boundary connecting with St. Patrick's Terrace to the north. Linkages to adjoining lands to the east and west are also provided.
- 3.2. Public open space primarily comprises a central space of approx. 2000-sq.m. and an area on the western boundary, which is provided as a continuation of public open space within the Arconagh estate to the west. Other linear spaces are provided along the eastern boundary and on the southern boundary adjoining the stream.
- 3.3. Key development parameters include:

| | |
|--------------------------|---|
| Site Area | 4.14ha gross, 3.97ha net |
| Dwelling no. | 219 no. 42 no. houses 177 no. apartments |
| Density | 55.2 / ha net |
| Plot Ratio | 0.45 |
| Site Coverage | 24.9% |
| Public Open Space | 16.8% |
| Car Parking | 300 no. 2 no. per house 1.15 no. per duplex / apartment 12 spaces per creche |
| Creche | 411-sq.m. (59 Spaces) |

| Unit Type | No. | % |
|------------------|------------|----------|
| 1-bed | 64 | 29% |
| 2-bed | 105 | 48% |
| 3-bed | 8 | 23% |

4.0 Relevant Planning History

ABP-309954-21: Permission refused for an SHD application on the subject site in respect of 221. no. residential units (36 no. houses and 185 no. apartments / duplexes), creche and associated site works. The reason for refusal was as follows:

Having regard to the location of the site and in particular the absence of high frequency urban public transport services within easy walking distance of the site, the Board considers that the level car parking provision is deficient and that it would not serve the needs of future occupants of the development. Furthermore, the Board also considers that the street environment would be dominated to an unacceptable degree by surface car parking and that this would undermine the sense of enclosure and overall amenity of the development, and be contrary to the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying and Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and local Government in May 2009, in particular criteria numbers 7 Layout and 11 Parking and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport Tourism and Sport and the Department of the environment, Community and Local Government in March 2019, as amended, in particular Section 2.2.1 and Section 4.4.9.

Adjoining lands:

PA ref. 21/884: Current application for the construction of 4 No. three storey three-bedroom semi-detached houses, the extension of the Devoy Terrace access road across the site frontage, car parking, landscaping and all ancillary site works, on lands immediately north of the subject site. Further information has been sought, however, this request does not refer to the connectivity objectives of the Devoy Barracks Masterplan which affect the site of this application.

PA Ref. 09/500050 / PL 73.236928: Permission granted for 161 no. residential units (houses and apartments) and creche, and a section of the Devoy Link Road on extensive lands to the south of the subject site and the Ardconagh estate. This permission has been subject to a number of amending permissions (inc. ABP-240261, PA Ref. 17/853 and PA Ref. 17/1469). This development is substantially complete.

ABP-307258-20: Permission granted under the SHD process for 152 no. apartments, a childcare facility and associated works on lands to the southeast of the subject site, on the opposite side of the John Devoy Road. The development also provide 175 number car parking spaces, six number motorcycle spaces and 190 number bicycle spaces. In making its decision, the Board noted that the site should be considered as an Inner Suburban Site. Construction on this development is underway.

ABP-305701-19: Permission granted by ABP under the SHD process for 314 dwellings, a creche and retail unit on lands to the south of the subject site, at the junction of the John Devoy Road and the southern orbital route.

PA ref. 17/525 ABP Ref. PL09.248953: Permission granted for single storey dwelling to rear of no. 6 Devoy Terrace to the north of the site.

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

The application refers to a s.247 pre-planning consultation meeting with the planning authority on 8th September 2021. The main points discussed included:

- The previous refusal reasons and amendments to address them.
- Concerns raised by observers on the previous application.
- Routing of services through the triangular piece of ground to the south of the site.
- Provision of SUDS measures.
- Frontage to roundabout / John Devoy Road Road.
- Compliance with development plan parking requirements.
- Design, layout and management of parking provision.

6.0 **Relevant 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.

The NPF sets out 75 no. National Policy Objectives including the following:

NPO 1b identifies growth of an additional 490,000 to 540,000 people in the Eastern and Midland Region.

NPO 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.

NPO 3C: Deliver at least 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.

NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 6: 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.

NPO 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

Objective 27: To ensure the integration of safe and convenient alternatives to the car into the design of communities.

NPO 33: Prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.1.2. **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

The overarching aim of the Plan is to increase the delivery of housing across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. The five pillars for action include;

Pillar 2 - Accelerate Social Housing

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.

6.1.3. **Housing for All - A New Housing Plan for Ireland (Sept 2021)**

The stated aim is to provide access to a home to purchase or rent at an affordable price, built to a high standard and in the right place, offering a high quality of life. The plan identifies the need for construction of an average of 33,000 homes per annum nationally until 2030 to meet the targets outlined in the National Planning Framework. Four overarching objectives are identified:

- Supporting Homeownership and Increasing Affordability.
- Eradicating Homelessness, Increasing Social Housing Delivery and Supporting Social Inclusion.
- Increasing New Housing Supply; and
- Addressing Vacancy and Efficient Use of Existing Stock.

The Pathway to Increasing New Housing Supply includes a focus on the adequate supply of serviced zoned lands to meet housing need, at required densities.

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

Naas is designated as a Key Town in the Core Region, with capacity for commensurate growth. These are defined as large economically active service and/or county towns that provide employment for their surrounding areas, with high-quality transport links and the capacity to act as growth drivers to complement the Regional Growth Centres.

In respect of residential development: *'... The sustainable growth of Naas should be carefully managed to promote the concept of a compact town by encouraging appropriate densities in suitable locations and by resisting sporadic isolated developments which do not integrate with the surrounding urban fabric.'*

Investment in sustainable mobility will be delivered through local transport plans (LTPs) to be prepared by local authorities in collaboration with transport agencies.

The following key Regional Policy Objectives (RPO's) are noted:

- **RPO 4.48:** Promote the improvement of the transport network within and serving Naas town, including delivery of a robust and efficient walking, cycling and bus network with strong links to Sallins Railway Station, key destinations within the town and to the Northwest Quadrant and town centre area.
- **RPO 4.50:** Regeneration and consolidation of the historic centre to improve the retail and commercial functions of the town core, with enhanced permeability and sustainable mobility within the town centre and improve links between the core and surrounding residential and employment areas through the further development of walking and cycling routes and improved public transport.
- **RPO 4.52:** Support the delivery of new and enhanced public transport infrastructure in Naas and Sallins, including Park and Ride and interchange facilities as identified by the NTA and Kildare County Council.
- **RPO 4.53:** Support an enhanced role and function of Naas as the County, particularly as a hub for high quality employment, residential and amenities.

6.2. **S.28 Ministerial Guidelines**

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submissions from the planning authority and others, 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 (KCDP) 2017-2023**

Variation No 1 of the development plan was adopted in June 2020 and includes an updated Core Strategy, in line with the NPF and EMRA-RSES.

- The Settlement Strategy identifies Naas as a Key Town (Tier 1), which have high quality transport links and the capacity to act as regional drivers to complement the Regional Growth Centres.
- The preferred development strategy, informed by the RSES, is to build strong urban centres, achieving a critical mass in the MASP area and Key Towns of Naas and Maynooth.

- Population growth of 2,514 persons and a dwelling target of 898 are identified for the period 2020-2023.
- SO1- Support the sustainable long-term growth of Key Towns (Naas).
- SO9: Sequentially develop lands within towns and villages in accordance with Development Plan Guidelines and deliver at least 30% of targeted new homes within the existing built-up footprint of settlements.

Table 4.2 identifies indicative density standards for Outer Suburban / greenfield sites of 30-50 units per ha, while it is indicated that site specific standards should be applied to inner suburban/ infill sites.

Objective MDO1 requires that new residential development provides for a wide variety of housing types, size and tenures, while Objective MD05 requires that applications be accompanied by a Statement of Housing Mix.

Objective DLO1 seeks the creation of high-quality living environments for residents in terms of individual dwelling units, layout design etc. in line with the development plan standards and Sustainable Residential Development in Urban Areas, the Urban Design Manual and Design Standards.

Chapter 6 Movement and Transport

Objective MTO2 is to prepare a Strategic Land Use and Transportation Study for Naas, while objective MTO3 seeks to review and Implement Integrated Transport Studies for Naas with the DTTS, TII and NTA to provide a framework to cater for the movement of pedestrians, cyclists, public transport and private vehicles.

WCO4: Secure the development of specific cycle schemes as part of the GDA Cycle networks Projects: Greater Dublin Area Cycle Network Plan Urban and Inter Urban Schemes (including):

- Dublin Road Corridor Scheme Naas,
- Naas to Sallins,
- Kill to Naas.

Chapter 13 Natural Heritage and Green Infrastructure

Policy GI 20 seeks to maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses subject to site specific considerations.

Policy GI 23 seeks the protection of rivers, streams and other water courses and, wherever possible, maintain them in an open state capable of providing suitable habitats for fauna and flora while discouraging culverting or realignment.

Chapter 15 Urban Design.

Section 15.5- Expansion, refers to the development of previously undeveloped lands within or adjacent to the urban cores. Expansion should ensure the development of well-connected sustainable neighbourhoods proximate to public transport and community infrastructure and promote green infrastructure strategies. Section 15.7 identifies Detailed Urban Design Considerations, while section 15.8 refers to overall layout design considerations

Development Management Standards

Section 17.2.1, Building Heights, supports varied building heights in towns to support consolidation and to create a sense of place, urban legibility and visual diversity. Proposals for building heights that are greater than those prevailing in the area should be supported by a strong urban design rationale.

Tall buildings, > five storeys and/or 15 metres, will only be considered at areas of strategic planning importance identified in a LAP.

Section 17.2.3 identifies Plot Ratio standards as follows:

- Inner Suburban 0.5-1.0
- Outer suburban (close proximity to public transport)- 0.35-0.5
- Outer suburban (remote from public transport)- 0.25-0.35

Section 17.4.3 requires a Housing Mix statement for 50 units or more, setting out how the proposed mix has been determined, having regard to local supply and demand, and how it meets any Target Housing Mix for the area, if applicable.

Section 17.4.5 and 17.4.6 set out standards for the design of houses and apartments.

Section 17.4.7 Public Open Space, identifies a requirement for 15% of the total site area for greenfield sites (all other cases 10%). SuDS are generally not acceptable as

public open space unless they can contribute in a significant and positive way, a general maximum of 10% of the open space provision shall be taken up by SUDS.

Section 17.5 requires childcare provision at a rate of 20 places / 75 houses.

Table 17.9 sets out car parking standards,

- Houses: 2 no. car parking spaces per house;
- Apartment: 1.5 spaces per unit + 1 visitor space per 4 apartments.
- Creche: 0.5 per staff member plus 1 per 4 children (max standard).

Table 17.10 Cycle Parking Standards

- Apartments 1 space per unit + 1 visitor space per 2 units.
- Creche 1 space per 5 staff and 1 space per 10 children.

6.4. Naas Local Area Plan 2021 - 2027

(The Naas LAP 2021 came into effect on December 1st 2021.)

The framework for delivery of residential development comprises five strands:

- (i) Focusing residential development within the defined settlement boundary.
- (ii) Focusing infill/brownfield mixed use development, including residential development, into the six Core Regeneration Areas (CRAs).
- (iii) Active land management.
- (iv) Integrating new residential communities with the inclusion of two **Key Development Areas** (KDA) including the Devoy Barracks, along with lands zoned for New Residential development and the CRA sites. Development of these sites should comply with the area-based design guidance and the Urban Regeneration and Development Strategy set out in Chapter 10.
- (v) Delivering physical and social infrastructure in tandem with development.

The site is zoned New Residential.

Section 3.5.2 notes that a detailed design framework for the Key Development Area at Devoy Barracks caters for new residential development and ancillary facilities. The KDA is located within the settlement boundary and therefore achieves compact growth within the town. These are strategic areas for residential development and

economic regeneration that will make an important contribution to the future growth and consolidation of the town. Given the location of the lands proximate to the town centre and public transport, the site has the capacity to deliver a higher density.

Devoy Barracks Key Development Area (KDA) Design Brief:

Vision: To develop Devoy Barracks as an attractive, legible and permeable urban district that is home to high-quality residential neighbourhood with an element of commercial uses to the east adjacent to the MERITS building and Áras Chill Dara.

Connectivity/ Movement: Provide for the integration of existing links between the area and Newbridge Road, including pedestrian/cyclist only routes. Vehicular access to the site via John Devoy Road will also include pedestrian and cycle links.

Facilitate strategic car parking provision within the perimeter block of commercial developments and where appropriate, underground parking. The KDA should be permeable and integrate seamlessly with adjacent lands. Routes and connections within the KDA should prioritise sustainable movement.

Built Form: Medium to higher density residential developments should be located within the centre of the KDA. The perimeter block building typology will be encouraged for higher density development. Lower density residential development should be located around the west and southern fringes of the KDA in order to integrate with the surrounding established residential estates.

Landscape and Spaces: Provide for min 15% quality open space. Overall, the framework provides for a coherent and legible urban structure based on principles of permeability, continuity and urban enclosure. A defining part of the layout is a landscaped amenity space at the centre. This will create a focal point of the area and provide for a pedestrian/cyclist link to the Newbridge Road (see Figure 10.28).

Policy HC2 - Residential Density, Mix and Design: to ensure that all new residential development provides for a sustainable mix of housing types, sizes and tenures and that new development complements the existing residential mix.

Objective HCO 2.7, to comply with the SPPRs for apartment standards and building heights.

Policy URD1 –Urban Regeneration and Development:- to promote the implementation of the Regeneration and Urban Development Strategy to ensure that planned growth for the town occurs in a sustainable and sequential manner while prioritising a low carbon, compact, consolidated and connected pattern of development in order to realise a vibrant and regenerated town centre; a prosperous, enterprising, dynamic and green economy; supported by an inclusive and age friendly community.

Objective URD 1.7 All development proposals within designated Core Regeneration Areas, Key Development Areas and Northwest Quadrant must, as far as practicable, comply with the relevant development objectives and design frameworks in this Plan.

Key infrastructure necessary for delivery of the KDA is identified in section 11.2:

| Infrastructure | Delivery Schedule | Funding Sources |
|---|--|-----------------------------|
| Roads and Transportation PERM 68 - Permeability link between Devoy Barracks site and Newbridge Road | On-going - Delivered in tandem with new development, prior to the occupation of dwellings. | Developer, State, KCC |
| Open Space Provision - open space and recreational areas | In tandem with new development, complete prior to occupation of units. | Developer |
| Childcare provision | One facility of minimum 20 places / 75 dwellings. | Developer, Private end user |
| Water and Wastewater | | |
| General water supply network upgrade | On-going - subject to IW agreement prior to development. | Developer, State (IW) |
| Wastewater - further upgrading works planned under the ULVSS, in the town centre Contract 2(b). Demand will need to be modelled for new developments on a first served basis. | On-going - subject to IW agreements prior to development. | Developer, State (IW) |
| Drainage, SuDS and Flooding – Fluvial flooding in all return periods along the stream. | Design to take cognisance of area prone to flooding and mitigate risk. | Developer, State, KCC |

7.0 Submissions Received

Irish Water: The proposed connections to the Irish Water networks are via infrastructure that has not been taken in charge by Irish Water. At connection application stage, the applicant will be required to identify and procure transfer to Irish Water of the third-party infrastructure and demonstrate that it complies with Irish Water requirements, and is of adequate condition and capacity to cater for additional load from the development

The applicant will be required to fund a connection to the water network via a new 150 mm ID connection to the existing 180 mm and should include a bulk meter on the connection main. This work will be delivered by Irish Water. Connections to the public network are subject to a Connection Agreement.

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

- 8.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. The documentation submitted with this pre-application consultation request is set out in appendix 1 to this report.

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, 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.

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.

8.1.2. Statement of Consistency

The Statement considers the following policy documents:

- Housing for All – A New Housing Plan for Ireland (2021)
- Rebuilding Ireland, Action Plan for Housing and Homelessness (2016)
- Project Ireland 2040: National Planning Framework.
- Eastern and Midland Region Regional Assembly: Regional Spatial and Economic Strategy (RSES).
- Guidelines for Planning Authorities: Sustainable Residential Development in Urban Areas 2009, and associated Urban Design Manual: Best Practice Guide.
- Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2020.
- Urban Development and Building Height, Guidelines for Planning Authorities 2018.
- Design Manual for Urban Roads and Streets, 2013.
- Childcare Facilities: Guidelines for Planning Authorities 2001.
- Smarter Travel – A Sustainable Transport Future: A new Transport Policy for Ireland 2009-2020.
- Transport Strategy for the Greater Dublin Area 2016-2035.
- Guidelines for Planning Authorities: The Planning System and Flood Risk Management (2009).
- The Birds and Habitats Directive
- EIA Directive
- Kildare County Development Plan 2017 – 2023.
- Naas Town Development Plan 2011-2017

The policy documents and relevant policies / objectives are described and a response demonstrating how the development is consistent therewith.

8.1.3. Material Contravention Statement

A Material Contravention Statement is submitted in accordance with the requirements of section 5(6) of the Act, in respect of the contravention of the provisions of the Kildare County Development Plan 2017 and Naas Town Development Plan 2011 as follows:

- Residential car parking standards

Car parking provision has been increased to 2 no. spaces per house and 1.15 spaces per apartment / duplex unit. The level of duplex apartment parking is below the Development Plan standards but is argued to be appropriate given proximity to nearby bus and rail facilities and to national policy. Cycle parking exceeds development plan requirements. The Draft LAP (sic) provides for reduced parking standards in line with national guidelines and the level of parking provision is stated to be consistent with adjoining permitted SHD developments.

- Plot ratio

The Development Plan and Town Development Plan identify plot ratios of 0.5 – 1.0 for Inner Suburban Locations. The proposed development achieves a plot ratio of 0.45. It is argued that consideration on the basis of plot ratio alone is not appropriate and a wider view should be taken, including densities and open space provision.

- Building height

The development plan provides for a maximum building height of 5-storeys / 15m and only in identified locations. One 5-storey block of 17.8m is proposed at the entrance to the site materially contravening the plan. It is argued that the development is consistent with the provisions of the Urban Development and Building Height Guidelines, and particularly SPPR3 and & 4.

The development is described as being of strategic national importance, on zoned residential lands, contributing to NPF housing objectives, and comprising development by the LDA having regard to the strategic role assigned to that agency.

The statement argues that the development can be justified under S.37(2)(b)(i), (ii) and (iii) and that permission may be granted even if the development is deemed to materially contravene the LAP / Development Plan for the area.

8.2. Planning Authority Submission

A submission from Kildare County Council was received by An Bord Pleanála on 15/11/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes the following:

- Copies of records of pre-planning meetings.
- The planning authority opinion with regard to the proposed development.
- Copies of internal reports of Kildare Co. Co. from the following sections:
 - Environment
 - Housing
 - Water Services
 - Parks
 - Roads, Transportation and Public Safety Dept.

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

- The Naas LAP 2021 was adopted in October and is due to commence on December 1st 2021.
- The principle of the proposed development largely complies with local planning policy and land use zoning, and the planning history of the area.
- The lands are considered inner suburban / infill lands, for which the plans provide for site specific densities. The proposed density is appropriate for this site.
- There is an absence of local convenience facilities in the immediate area to serve the combined permitted and proposed developments.
- The proposed plot ratio is acceptable. While it is below the standards identified in the plan, this is only one measure of a scheme.

- Residential development is appropriate on the lands. While the revised design and layout is welcome, a number of issues require consideration,
- A more varied palette of materials would be appropriate.
- Balconies should be glazed and protruding balconies should be omitted.
- Details of proposed boundary treatment are required.
- Detailed landscaping requirements should be addressed, including details of topography, topsoil depths, surface finishes, service routing.
- The report considers the development against the 12 criteria of the Urban Design Manual.
- Dwelling design largely meets relevant standards, but some issues with Part V units are identified.
- A review of units in Block C should be undertaken, in relation to storage, room widths and boundary treatment, own door units and boundary treatment.
- The proposed housing mix complies with SPPR1.
- Building heights accord with the Building Heights Guidelines and the proposal is considered to be acceptable.
- Public open space provision is acceptable, subject to the exclusion of areas identified with a reinforced grass finish.
- The hierarchy of open spaces and finishes provides a sense of character and distinction between clusters. Passive surveillance could be improved.
- Connections to adjoining lands are welcome and are integral to the design strategy set out in the Draft LAP. Further consideration of connections to open space and roads in Arconagh south of proposed no. 26 is required.
- Previous concerns regarding overlooking and overshadowing appear to be addressed in the revised layout. Appropriate separation is achieved.
- Final Part V compliance details should accompany the application.
- The previous application included a school's demand assessment and a social and community infrastructure audit.
- The Draft LAP requires that childcare facilities are provided in the first phase of development.
- Operational waste management details should be provided.
- The EIA screening assessment does not address the issue of noise.

- Water and Wastewater connections require further discussion with Irish Water and the Water Services Dept. of KCC, regarding timelines for hydraulic and condition network assessments and any required upgrades.
- Wayleave and maintenance issues for underground services should be detailed.
- The treatment of the stream on the southern boundary should be revised.
- A revised SUDS scheme incorporating nature-based solutions is required. The rationale for omission of green roofs and wetland areas is not acceptable.
- A revised groundwater investigation / monitoring scheme is required.
- The SSFRA should address residual flood risk and forthcoming revised CFRAMS mapping for the area.
- A revised TTA and Mobility Management Plan should be submitted, and revisions to the construction management plan to address construction traffic, including the omission of construction access through Ardconagh.
- Cycle parking provision is welcome.
- There are concerns regarding the shortfall in parking and separation from units served, contributing to haphazard overspill parking.
- Parking does not meet the Development Plan standards or the provisions of the Apartment Design Guidelines for Less Accessible Urban Locations.
- Parking provision for apartments and duplex units should be increased to 1.75 spaces / unit, or 1.33 / unit plus a detailed Mobility Management Plan and a Parking Management Plan justifying this reduced standard.
- Proposed densities are too high for on-street parking.
- Creche parking is deficient. Provision to meet development plan requirements might be accommodated in the open space to the east.
- Increased EV charging points should be provided.
- Internal road design revisions are identified.
- Revised public lighting details are required.
- Consideration should be given to lighting and passive surveillance of connections to adjoining lands and liaison with residents thereof.
- Swept path analysis and submission of an RSA is required.
- Greater consideration of homezone areas is sought.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 15th December 2021, commencing at 10am, 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 and the main topics raised for discussion at the tripartite meeting were as follows:

1. Land Use and Development Principle – including compliance with the Naas Local Area Plan 2021
2. Access and Parking
3. Design and Layout, including residential amenity
4. Drainage and Services
5. AOB

In relation Land Use and Development Principle, An Bord Pleanála sought further clarification and justification for the proposed development in respect of the following matters:

- Compliance with the provisions of the Naas Local Area Plan 2021-2027, in particular the provisions of the Key Development Area Design Brief for the Devoy Barracks site.

In relation to the Access and Parking, An Bord Pleanála sought clarification and further elaboration and justification for the development in respect of the following matters:

- The response to the previous refusal of permission on these lands.
- The relevant parking standards for these lands having regard to their location and surrounding pattern of development.
- The operational requirements of the proposed childcare facility.

In relation to the Design and Layout of development, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- The nature and design of proposed connections and linkages to adjoining lands, including eastern commercial development in the KDA framework.
- The treatment of open space adjoining John Devoy Road Roundabout
- The relationship with adjoining lands.

In relation to the Drainage and Services, An Bord Pleanála sought clarification and further elaboration for the development in respect of the following matters:

- The nature of third-party infrastructure for connections to Irish Water networks.
- The design of surface water drainage and management systems.

9.0 Conclusion and Recommendation

I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, 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 relevant s.28 Ministerial Guidelines, and local policy, via the statutory plan for the area.

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.

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.

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 **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:

1. A report / statement demonstrating how the proposed development accords with the objectives of the Urban Design Brief / framework for this Key Development Area (KDA), including objectives relating to Connectivity / Movement. The

statement should also address the access requirements of the commercial uses proposed for the eastern side of the KDA lands as part of the overall design brief.

2. A Housing Quality Assessment (HQA) which provides the specific information regarding the proposed apartments/duplex units as required by the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020). The assessment should also demonstrate how the proposed apartments comply with the various requirements of those guidelines, including its specific planning policy requirements and the floor areas and standards set out in Appendix 1.
3. Justification, and where appropriate amendment, to demonstrate that car parking quantity and location, road layout, including design and materiality of the different street types within the street hierarchy (eg proposed homezones, etc) complies with the provisions of the Design Manual for Urban Roads and Streets (DMURS) and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). The application should demonstrate that car parking provision should be convenient and accessible to residents.
4. The application should have regard to the detailed requirements set out in the report of the Kildare County Council Roads, Transportation and Public Safety Department dated 27th October 2021, and should be accompanied by the following:
 - i. A detailed Traffic and Transport Assessment (TTA).
 - ii. A Mobility Management Plan and a Parking Management Strategy.
 - iii. An operational service plan including a detailed swept path analysis. The service plan should also consider the management of car parking and drop-off requirements of the proposed creche
 - iv. A Quality Audit in accordance with Annex 4 of DMURS, including a Road Safety Audit. The audit should consider, inter alia, the design and layout of parking within the development.
 - v. A construction traffic management plan.
5. A public lighting plan and a Draft Construction and Waste Management Plan.
6. A Social & Community Infrastructure Audit having regard to the provisions of the Naas LAP 2021 - 2027.

7. Detailed landscaping proposals which should address the matters raised in the report of Kildare County Council Parks Section, including inter alia details of measures for the retention and protection of existing trees and hedgerows along the boundaries of the site and integration with the existing public open space to the west, serving the *Arconagh* estate.
8. The application should address the following:
 - i. The matters raised in the report of Kildare County Council Water Services Section dated 2nd November 2021, including inter alia, revisions to the design of the surface water management system, including a revised SUDs strategy and revisions to Site Specific Flood Risk Assessment.
 - ii. The matters raised in the submission from Irish Water dated 28th October 2021, namely the requirement to ensure that the relevant consents to connect to 3rd party foul water infrastructure are in place and that such infrastructure is of sufficient standard and capacity to accommodate the proposed development.
9. A report that addresses issues of residential amenity (of both future occupants and existing residents of adjacent development), specifically with regards to overlooking, overshadowing, visual impact and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and nearby residential development.
10. A comprehensive daylight and sunlight assessment examining the proposed dwelling units and amenity / open spaces, as well as potential impacts on daylight and sunlight to adjoining properties. In preparing such assessment regard should be had to the provisions of section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and to the approach outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

The assessment should provide a comprehensive view of the performance of the entire development in respect of daylight provision, including accommodation at ground and first floor levels. Where any alternative, compensatory design

solutions in respect of daylight are proposed, these should be clearly identified and their effect appropriately described and / or quantified.

11. Additional CGIs/visualisations/3D modelling, particularly from the Sean Devoy Road and the open space of Arconagh estate to the west.
12. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.
13. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments. This should include details on materials and finishes for the ground floor terrace areas serving the duplex units. Particular regard should be had to the requirement to provide high quality and durable finishes and materials which have regard to the surrounding context of the site.
14. A Building Lifecycle Report in accordance with section 6.13 of the guidelines should also be submitted and shall detail the appropriate use of external materials on all elevations. The plan shall also address the management and maintenance of public spaces and access to the development.
15. A statement as to how the proposed Strategic Housing Development has sought to comply with the principles of Universal Design
16. 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.

Also, 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. Inland Fisheries Ireland

3. National Transport Authority
4. Transport Infrastructure Ireland
5. Kildare County Childcare Committee
6. OPW

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
Planning Inspector

24th December 2021

Appendix 1: Documentation accompanying the pre-application consultation request.

- Application Forms and relevant fee.
- Letter of Consent from Housing & Sustainable Communities Agency and Kildare County Council
- Part V Pack
- Planning Report
- Statement of Consistency
- EIAR Screening Report
- Material Contravention Statement
- Information for Appropriate Assessment Screening Report
- Architectural Drawings
- Design Statement (incl. Housing Quality Assessment)
- Landscape Masterplan Drawing and Design Rationale Report
- Engineering Services Report & Engineering Drawings
- Site Specific Flood Risk Assessment Study
- Transportation Impact Assessment Report & Traffic Drawings
- DMURS Statement of Consistency
- Residential Travel Plan
- Archaeological Assessment
- Site Lighting Plan