



An
Bord
Pleanála

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

**Inspector's Report on
Recommended Opinion
ABP-311958-21**

Strategic Housing Development	343 no. residential units (123 no. houses, 220 no. apartments), creche and associated site works
Location	Lands at Ballyoulster, Celbridge, Co. Kildare.
Planning Authority	Kildare County Council
Prospective Applicant	Kieran Curtin, Receiver over certain assets of Maplewood Developments Limited
Date of Consultation Meeting	16/02/2022
Date of Site Inspection	03/02/2021
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

The subject lands are located on the eastern side of the urban area of Celbridge, south of the Dublin Road and east of Shinkeen Road. These irregularly shaped agricultural lands comprise a stated gross area of 12.2ha, within a wider landholding of approx. 40ha. The site has frontage of approx. 80m to the Dublin Road, between two commercial / industrial premises. Further northeast is Ballyoulster Park, an established residential estate of single-storey houses on large plots with a number of rear / backland houses. The lands are generally level and are bisected by the Shinkeen Stream which flows south-north toward the River Liffey. There is also a stream flowing north along the western site boundary, parallel to the Shinkeen Road. To the southwest, accessed from Shinkeen Road is the Primrose Gate / Willow Green residential estate. Shinkeen Road is provided with a cycle path and footpaths on both sides. Hazelhatch / Celbridge train station is approx. 1.8km south of the site along the Shinkeen and Hazelhatch Roads.

3.0 Proposed Strategic Housing Development

The subject lands comprise part of an area identified in the Local Area Plan as a Key Development Area (KDA). It is indicated that a Development Strategy document was prepared to provide a framework for the development of the KDA in response to the objectives of the LAP. The subject development comprises phase 1 of the residential development of those lands.

The development is described as 343 no. residential units, a childcare facility (497-sq.m) communal and public open space, landscaping, car and cycle parking spaces, provision of a secondary link street from Dublin Road and Shinkeen Road, associated internal roads, pedestrian and cycle paths, bin storage, pumping station and all associated site and infrastructural works.

Proposed residential units consist of 123 no. houses, 188 no. apartments / duplex units and 32 no. maisonettes as follows:

- 5 no. 3-bed two-storey semi-detached houses.
- 68 no. 4-bed three-storey semi-detached houses.
- 50 no. 3-bed two-storey terraced houses.
- 188 no. duplex apartments / apartments (28 no. 1 beds, 28 no. 2 beds and 132 no. 3 beds) in 16 no. 3 no. storey buildings.
- 32 no. maisonette apartments in 8 no. three storey buildings, all maisonette units to have a private garden.

Key development parameters include:

Site area	12.2ha gross 8.8ha net	
Units proposed	343	Houses 123 (36%) Duplex / Apt 188 (55%) Maisonette 32 (9%)
Density	39 / ha net	
Plot Ratio	0.32	
Creche	497-sq.m.	
Building Heights	2-3-storeys	
Public Open space	17% 10.5% Local Park 6.3% Pocket Parks	
Communal Open space	3,585-sq.m.	
Car parking	524 no. spaces 2 space per house and 1 space per duplex / apt 52 no. visitor spaces 6 no. creche spaces	
Cycle parking	576 no.	

Unit Type	1-bed	2-bed	3-bed	4-bed
%	12.8%	12.8%	54.5%	20%

4.0 Relevant Planning History

I note that there does not appear to be any recent relevant planning history relating to these lands. The planning authority submission notes other SHD applications in Celbridge as follows:

- ABP-303295-18: Permission granted for 251 no. units at Oldtown.
- ABP-306504-20: Permission granted for 372 no. units in Crodaun.
- ABP-307100-20: Permission granted for 4697 no. units in Crodaun.

5.0 Section 247 Consultation(s) with Planning Authority

Documentation submitted refers to a section 247 pre-application meeting with the planning authority on the 26th August 2021. The main items discussed included:

- Kildare County Development Plan Variation 1.
- Constraints of the Liffey Valley Drainage scheme
- Masterplan requirements for the lands.
- Design and layout including frontage and access to open space.
- Transportation, including the assessment of traffic impacts.
- Drainage constraints.
- Part V provision.
- Landscaping.
- Waste and servicing requirements.

6.0 Planning Policy

6.1. National and Regional Planning Policy

6.1.1. **Project Ireland 2040 - National Planning Framework**

National Strategic Outcome 1 is identified as Compact Growth, recognising the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 3A seeks the delivery of at least 40% of all new housing in existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

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

Objective 13 provides that, in urban areas, planning and related standards will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth.

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

6.1.2. **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 plan identifies five pillars for action.

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)

The 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. The RSES has established a settlement hierarchy for the region. Celbridge would lie fit the description of a self-sustaining town, which towns are described as towns with high levels of population growth and a weak employment base, reliant on other areas for employment and/or services and which require targeted 'catch up' investment to become more self-sustaining.

Higher densities in core strategies should be applied to higher order settlements such as Dublin City, Regional Growth Centres and Key Towns. However, there should be a graded reduction in residential densities for Self-Sustaining Growth Towns, Self-Sustaining Towns, towns and villages that are commensurate to the existing built environment.

To achieve ambitious compact development targets of at least 50% of all new homes within or contiguous to the existing built up area in Dublin and 30% in other settlements, the MASP identifies strategic development opportunities on the corridors along with the requisite infrastructure investment needed to ensure a steady supply of sites in tandem with the delivery of key public transport projects.

This includes the South-West Corridor and New roads and DART expansion to Celbridge-Hazelhatch.

RPO 8.8 supports delivery of the rail projects set out in Table 8.2, (including Dart extension to Celbridge-Hazelhatch).

6.2. **S.28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying 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)
- The Planning System and Flood Risk Management (including the associated 'Technical Appendices') (2009)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.

6.3. **Local Planning Policy**

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

Variation no. 1 (June 2020): Celbridge is noted to be within the Dublin metropolitan region of the RSES. It is identified as a Self-Sustaining Town, which towns require contained growth, focusing on driving investment in services, employment growth and infrastructure while balancing housing delivery. Growth shall be focused on consolidation and inclusion of polices in relation to improvements in services and employment provision.

The settlement strategy allocates growth across settlements in the county. In respect of Celbridge, growth of 10% in the period 2020 – 2023 is identified, comprising 1,687 persons or 603 no. dwelling units. The target for growth to 2026 is identified as 3,937 no persons or 1,406 no. dwelling units.

Policy SS 1 Manage the county’s settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and the hierarchy of settlements set out in Table 3.1.

Policy SS 2 Direct growth into the Key Towns, followed by the Self-Sustaining Growth Towns and the Self-Sustaining Towns, whilst also recognising the settlement requirements of rural communities.

Table 6.1 identifies Priority Road and Bridge Projects, including:

- New bridge crossing in Celbridge
- Upgrade existing bridge in Celbridge

6.3.2. **Celbridge Local Area Plan 2017-2023**

In line with the 2017 County Development Plan, prior to Variation no. 1, the LAP identifies a target an additional 3,250 housing units over the Plan period. The LAP identifies land with an estimated capacity of c.3,519 residential units. Five Key Development Areas (KDAs) are identified with capacity to accommodate significant growth over the LAP period.

KDA 2 Ballyoulster - New Residential Area, is stated to comprise approx. 29.5ha delivering c.885 no. residential units at an estimated density of 30 units / ha.

Policy RD1 - Residential Development: Capacity and Delivery, seeks to ensure that sufficient zoned land continues to be available at appropriate locations to satisfy the housing needs of the town and that each household has access to good quality housing that is appropriate to its circumstance.

Objectives:

RDO1.1 promotes the phased development of identified Key Development Areas in accordance with the guidance set out in Chapter 12.

RDO1.2 seeks to secure social infrastructure and community and recreational facilities in tandem with residential development, in accordance with the implementation strategy described in Chapter 13.

RDO1.4 seeks to focus new housing within walking or cycling distance of a school cluster, the town centre, neighbourhood centre or transport routes.

Objective MTO1.6: To facilitate a new pedestrian / cycling bridge across the Liffey linking to Celbridge Town Centre, in conjunction with any new development at Donaghcumper and new residential areas to the south.

Objective MTO3.10: To facilitate the construction of a road from Primrose Hill to Loughlinstown Road in tandem with the development of KDA 2 and in the interim to protect this route from development.

KDA 2 – BALLYOULSTER

This KDA is approximately 40 hectares in area with a flat topography.

Vision: To provide for the development of a new residential neighbourhood, including primary and post primary schools and a local park that integrates with its surroundings whilst having its own unique character and a strong sense of place.

Connectivity/ Movement: Vehicular access provided from the Dublin Road, Shinkeen Road and the Loughlinstown Road and provide for continuous routes through the KDA that connect to surrounding areas. Provision should be made for a road connection from the Loughlinstown Road to the R405/Hazelhatch Road, south of the Willows housing estate, in the longer term. A permeable network of pedestrian and cycle friendly streets and spaces incorporating existing features will be required.

Built Form: Development should reflect the established pattern of development in the area. Site layouts should seek to fully integrate the identified primary and post primary school sites.

A mix of housing ranging from two to three storeys in height is encouraged. Landmark / feature buildings should be provided along prominent routes and at key junctions to provide legibility and variety in the urban environment and reinforce the proposed hierarchy of streets and spaces. This site will accommodate medium to low-density residential development in the order of 30 units per hectare.

Landscape and Spaces: The Shinkeen Stream should be incorporated as a landscape feature that includes a continuous pedestrian and cycle link along its bank. This green link should include natural landscaping that will enhance the ecological value of the stream. New residential areas should be structured around a variety of open spaces that provide for both active and passive recreation. Landscape proposals should provide for the retention of existing mature trees and the planting of new trees along the Ballyoulster / Loughlinstown townland boundary.

KDA 2 – Ballyoulster Phasing		
Infrastructure	Description	Phasing
Town Centre pedestrian / cycle link	New pedestrian and cycle link from Celbridge Main Street to Dublin Road including pedestrian and cycle bridge crossing of the River Liffey or improved pedestrian and cycle facilities on the existing Liffey Bridge.	To be completed prior to occupation of dwelling units 351 in this KDA.
Childcare	Compliance with objective CPFO 1 of the County Development Plan 2017.	Pro-rata provision for dwellings 1-100 complete prior to commencement of dwelling no. 101. Pro-rata provision for remainder complete prior to the completion of development in this KDA.
Open Space (Amenity and Recreation)	Local Park to include play areas, footpaths, green links and landscaping.	Completed prior to occupation of dwelling units 351 in this KDA.

7.0 Submissions Received

7.1. **Irish Water:** Confirmation of Feasibility has been issued advising that connections are feasible subject to the following contingencies:

There are significant wastewater network capacity constraints in the Celbridge area. Irish Water Capital Investment Plan projects such as the Lower Liffey Valley Drainage Area Plan (DAP), scheduled to be completed Q2 2022 and Irish Water's Capital Investment Plan project, the Primrose Hill Pumping Station Project, will provide strategic solutions to constraints in the area. The Primrose Hill Pumping Station project is scheduled to be completed by Q4 2023.

In addition, a wastewater network extension is required to facilitate this development. Irish Water's current investment plan has a project to deliver the required network extension, scheduled to be completed by 2025.

A local water network upgrade is required to facilitate the proposed connection comprising approx. 400m of new watermain to replace an existing 150mm watermain. Irish Water does not currently have any plans to carry out the works. The applicant will be required to fund these works which will be delivered in the public domain and will require a crossing of the M4 motorway. Engagement with the relevant authority in respect of the crossing will be required.

The applicant must engage with Irish Water to agree works and/or upgrades required in advance of any SHD application.

Timelines for any storm water separation proposals that may be required, so as to align available network capacity with the additional flows generated, should be agreed with Kildare County Council, before finalising the detailed drainage design.

8.0 Forming the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite consultation meeting.

8.1. Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. 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 of 2000.

Statements required under S.5(5) and 5(6) above have been submitted in this regard and I have considered all of the documentation submitted by the prospective applicant, relating to this case. The Statement of Consistency under S.5(5) considers the following policy documents:

- National Planning Framework, Project Ireland 2040.
- Housing for All – a New Housing Plan for Ireland (2021).
- Rebuilding Ireland 2016.
- Regional Spatial and Economic Strategy for the Eastern and Midland Regional Authority 2019.
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages (2009).

- Quality Housing for Sustainable Communities' Communities' (2008).
- Childcare Facilities, Guidelines for Planning Authorities, (2001).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009).
- The Planning System and Flood Risk Management Guidelines, (2009).
- Kildare County Development Plan 2017-2023.
- Celbridge Local Area Plan 2017-2023.

The statement of consistency assesses the proposed development and seeks to demonstrate compliance with the planning policy framework under the following headings:

- Principle of Development
- Core Strategy and Housing Allocation
- Residential Density
- Layout and Building Height
- Residential Design Standards
- Compliance with Apartment Guidelines 2020
- Impact on Neighbouring Residential Amenity
- Traffic and Transport
- Landscape and Open Space
- Social and Community Infrastructure
- Childcare Facility
- Water and Drainage
- Educational Facilities
- Phasing
- Part V
- EIAR

A Material Contravention Statement in accordance with section 5(6) is submitted in relation to the following matters:

- Potential material contravention of the housing unit allocation for Celbridge as set out in Table 3.3 of Variation No. 1 of the Kildare County Development Plan,

- The estimated density outlined for KDA2 set out in the Celbridge LAP, and
- The car parking standards set out in Table 17.9 of the CDP.

This statement concludes that there is ample justification for the Board to permit a material contravention of the Development Plan and the LAP in terms of the housing allocation, density and car parking, should they consider it to arise, having regard to Section 37(2)(b)(i) - (iv) of the Planning and Development Act, 2000 (as amended).

8.2. Planning Authority Submission

A submission from Kildare County Council was received by An Bord Pleanála on 13/12/2021 in accordance with Section 6(4)(b) of the 2016 Act. The submission includes:

- A statement of the planning authority’s opinion.
- Details of S.247 meeting.
- Copies of internal technical reports from the Parks Section, Water Services Section, EHO (HSE), Housing Section, Transportation Department and Environment Section.

The statement of the planning authority’s opinion makes the following points:

- No objection in principle.
- The main access road is located in lands zoned E – Community and Education, along with some parking and public open space.
- Such encroachment is excessive and impacts on delivery of the schools, materially contravening the zoning objective.
- Recent flood studies show significant parts of the site would be within Flood Zone B. The layout should be revised to have full regard to the extent of flood risk.
- Revisions to address this matter at a high level have been submitted but are not sufficiently detailed.
- The development capacity identified in the LAP for these lands pre-dated variation no. 1 of the County Development Plan.

- The level of SHD units permitted since Variation no. 1 exceeds the housing target set out therein by approx. 236 no. units in the period to 2023¹.
- The proposed development would straddle two development plan periods and the appropriate phasing of development would address this issue.
- A broader linear park along the Shinkeen stream is required and a more significant central open space.
- There are concerns regarding the amenity value of pocket parks.
- The layout of the entrance from the Dublin Road is poor.
- The layout at the southwestern corner of Site B is poor and does not provide adequate surveillance of open space.
- Further access to school lands from the central park should be provided.
- More street trees are required.
- The layout should have regard to the archaeological potential of the lands.
- The density of 39/ha net is excessive for this location, remote from high-capacity transport infrastructure, and should be reduced to 30/ha in line with the LAP which is consistent with approach recommended in the RSES.
- The architectural approach and the choice of materials is of concern and further detailed dwelling design is required.
- A Statement of Housing Mix should be provided. Housing mix in site C is poor.
- The Part V requirements of the Housing Section are identified.
- Internal storage should meet relevant standards.
- Boundary treatment requires clarification
- This is regarded as a peripheral / less accessible site and the level of parking provision for apartments is a concern.
- Visitor parking and a creche set-down area should be provided.
- Sections through public open space are required. Details of the use of open space for attenuation and year-round usability is required.
- The capacity of the creche is significantly below required standards and the capacity of existing facilities in the area should be documented.

¹ I note differences in the estimated number of permitted units since the adoption of Variation no. 1 between the prospective applicant and the planning authority.

8.3. The Consultation Meeting

A Section 5 Consultation meeting was held on 16/02/2022, commencing at 10am, 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 and the main topics raised for discussion at the tripartite meeting were as follows:

- Compliance with the Kildare County Development Plan Settlement Strategy
- Land use zoning and Development Principle
- Design and Layout & impact of Hazelhatch Flood Extents Study 2021
- Roads and Access
- Water and Drainage
- AOB

Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-311958-21' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

In relation to the compliance with the Kildare County Development Plan Settlement Strategy, An Bord Pleanála sought clarification and further elaboration of the documents and justification for the proposed development in respect of the following:

- How the proposed development is aligned with the settlement strategy set out in the County Development Plan, as set out in Variation no. 1 thereto.
- The duration of any planning permission likely to be sought in respect of the proposed development.
- The status of the Draft County Development Plan and any review of the zoning objectives of the LAP for Celbridge.
- The effect of drainage constraints on the level of permitted but not constructed development to date.

In relation to the Land Use and Development Principle, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following matters:

- The extent of development proposed on land subject to the Community & Education zoning objective.
- Compliance with the definition of Strategic Housing Development and the land use zoning objectives set out in the Local Area Plan.
- The status of discussions with the Department of Education in respect of the adjoining school sites.

In relation to Design and Layout, and impact of the Hazelhatch Flood Extent Study, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following matters:

- Clarification with regard to the gross and net site areas cited.
- Confirmation of the level of planning authority engagement in the preparation of the overall Development Strategy for the KDA lands.
- The relationship with the adjoining commercial lands fronting the Dublin Road, within the KDA.
- The rationale for the design and layout of the proposed Dublin Road entrance.
- The effect of the findings of the Hazelhatch Flood Extent Study on the overall development strategy and the layout of development on the subject site.

In relation to Roads and Access, An Bord Pleanála sought clarification and further elaboration of the documents in respect of the following matters:

- The design of the Shinkeen Road and Dublin Road junctions and the requirement for signalisation thereof.
- The provision of pedestrian and cycle facilities on the Dublin Road and overall connectivity to Celbridge town centre.
- The ability to provide connections to Willow Grove to the south and its status as a taken-in-charge development.

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

- The status of Irish Water projects to address constraints in the wastewater network in the area.
- Clarification with regard to a stated Irish Water requirement for a watermain crossing of the M4 and the possibility of a requirement for other consents for such works.

In relation to Any Other business, the planning authority referred to the detailed concerns expressed in their submission regarding the design and layout of development and phasing thereof, and identified requirements in relation to public open space. The prospective applicant noted the intent to lodge a planning application under the SHD process.

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 s.28 Ministerial Guidelines, and local policy, via the statutory plans 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 all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements, details of which are set out in the Recommended Opinion below.

- Revisions to accommodate the revised flood extents identified from the Hazelhatch Flood Extents Study 2021.
- Clarification regarding compliance with the land use zoning objectives.
- Compliance with the development plan settlement strategy.

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

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

10.0 Recommended Opinion

An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and**

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

In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates, that could result in them constituting a reasonable basis for an application for strategic housing development:

1. Further consideration of, and possible amendment to the drawings and design proposals submitted, having regard to the findings of the *Hazelhatch Flood Extents Study 2021* (KCC) and the impacts on the layout and extent of development proposed on the site. A revised Site-Specific Flood Risk Assessment should accompany the application which has full regard to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities in this regard.
2. Further consideration of the documents submitted, to include a detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposed development complies with local planning policy, having specific regard to the zoning of part of the proposed development site as objective E: Community & Educational.

Such statement should have regard to the definition of Strategic Housing Development under section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, and section 9(6)(b) of the Act which provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

3. Further consideration and elaboration of the documents submitted, to address consistency with the settlement strategy set out in the Kildare County Development Plan (Variation no. 1), clearly identifying the extent of existing and permitted development within the settlement. The application should provide a justification for any extension of the appropriate period sought in respect of the planning application.

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. Detailed phasing proposals for the development which should include all associated road and infrastructure works, public amenity spaces and social infrastructure. The proposed phasing strategy shall address the extent of landscaping works to be undertaken within the Local Park in each phase and its on-going maintenance pending further development within the KDA.
2. A plan clearly identifying areas intended to be taken in charge by the local authority.
3. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.
4. A rationale for the siting, design and layout of the proposed entrance from the Dublin Road, having regard to the status and function of the proposed boulevard serving this wider KDA and key community and educational uses for the town.
5. Plans and details describing how the proposed development provides for, and will relate to, potential future development of residentially zoned third-party lands along the Dublin Road frontage, within the Ballyoulster KDA 2.
6. A report responding to the matters raised in the report of the Kildare County Council Transportation Department dated 25/11/2021. The report shall include, inter alia, the following:
 - a) Details of proposed junction design at Shinkeen Road and Dublin Road, including proposals for signalisation where required.

- b) Proposals to address the lack of pedestrian and cycle facilities along the Dublin Road.
 - c) A Quality Audit in accordance with Advice Note 4 of DMURS. Such audit should consider the quality of pedestrian and cycle connections to services and amenities in the surrounding area.
 - d) A parking management plan.
 - e) A Travel Plan / Mobility Management Plan.
 - f) A Construction Traffic Management Plan which should have regard to the proposed phasing of development under item no. 3 above.
7. A report addressing the matters raised in the report of the Water Services Section of Kildare County Council, dated 26/11/2021.
 8. 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. OPW
2. Inland Fisheries Ireland
3. Irish Water
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.

Conor McGrath
Senior Planning Inspector

28/02/2022

Appendix 1:

Documentation accompanying the S.5 request.

- Application Form for a Section 5 Pre-Application Consultation Request and attachments (including application fee cheque and COF letter from Irish Water);
- Cover letter
- Part V proposals including OMP Part V Brochure, an Estimate of Costs prepared and a Part V Cover Letter
- Statement of Consistency / Planning Report
- Social and Community Infrastructure Report
- Statement of Material Contravention
- Environmental Report (precursor to EIAR to be submitted with final application)
- Appropriate Assessment Screening Report

- Architectural Drawings, schedule of areas and drawing issue sheet
- Architectural Design Statement
- Housing Quality Assessment
- Ballyoulster KDA 2 Development Strategy
- Development Impact of Flood Study Report

- Landscape Drawings and Issue Sheet
- Landscape Strategy Report
- Arboricultural Assessment Report and Drawings

- Infrastructural Design Report
- Site-Specific Flood Risk Assessment,
- Engineering drawings and drawing schedule
- Traffic and Transport Assessment
- Preliminary Construction Management Plan
- DMURS Compliance Statement

- Outdoor Lighting Report, drawings and drawing schedule
- Energy Statement

- Daylight, Sunlight and Overshadowing Analysis Report
- Technical note on Construction Waste Management Plan
- Technical note on Operational Waste Management Plan