



An
Bord
Pleanála

Inspector's Report ABP-313937-22

Development	Residential development consisting of 9 No. detached, storey and a half type houses, landscaping and all associated site development works on previously approved site 06/2206.
Location	Derrymullen, Robertstown, Co. Kildare.
Planning Authority	Kildare County Council
Planning Authority Reg. Ref.	211534
Applicant(s)	Earthwood Properties Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Earthwood Properties Limited
Observer(s)	None.
Date of Site Inspection	6 th October, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the townland of Derrymullen on the southern periphery of the village of Allenwood, Co. Kildare, approximately 500m southeast of the crossroads in the village centre (at the junction of the R415 & R403 Regional Roads), where it occupies a position between the Grand Canal and a minor service road that extends eastwards from the R415 Regional Road to provide access to surrounding agricultural lands, a dwelling house, and the Allenwood wastewater treatment plant. The surrounding area is generally rural in character with a wooded area / cluster of trees bounding the site to the northwest (part of which extends into the development site) and a farmyard located on the opposite side of the access road to the south. Adjacent lands are in agricultural use, although there is an existing dormer-type dwelling house on an adjoining site to the southeast.
- 1.2. The site itself has a stated site area of 1.169 hectares, is irregularly shaped, and presently comprises undeveloped agricultural grassland bisected by a wooded / tree line. A series of high voltage power lines traverse the south-western corner of the site with a supporting pylon also present. The site boundaries are generally defined by a combination of mature hedging, tree lines and post & rail fencing. The Grand Canal and its towpath bound the site to the immediate north.

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of a scheme of 9 No. 4-bedroom, 2-storey detached dwelling houses in a cul-de-sac format. The overall design and layout of the proposal is typical of a suburban format of development with the dwelling houses having been provided with front and rear garden areas and dedicated off-street car parking. The individual dwellings are of an identical conventional design (floor area: 194.69m²) with external finishes including slate / concrete roof tiles and plaster.
- 2.2. Access to the site will be obtained via a new entrance arrangement onto a right of way over an existing service road that extends eastwards from its junction with the R415 Regional Road south of Bond Bridge. The proposal also includes for connection to the existing public water supply and drainage services.

- 2.3. Amended proposals were subsequently submitted in response to a request for further information with the house types revised to incorporate the following:
- 7 No. four-bedroom, 2-storey detached houses (House Type 'T')
 - 1 No. four-bedroom, 2-storey detached house (House Type 'T1')
 - 1 No. four-bedroom, 2-storey detached house (House Type 'T2')
- 2.4. The revised layout also includes for the construction of a new pedestrian footpath along the northern edge of the existing access road between the development site and the junction with the regional road.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Following the receipt of a response to a request for further information, on 31st May, 2022 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to the location of the site and the nature of its connectivity to Allenwood along the R415 Regional Road, and having regard to the residential nature of the development which will generate movements by vulnerable road users (pedestrians and cyclists) towards Allenwood, it is considered that in the absence of facilities for vulnerable road users including public lighting, the proposed development would endanger public safety by reason of traffic hazard to future residents, would be contrary to the Design Manual for Urban Roads and Streets DMURS (2019) and therefore would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

An initial report details the site context, planning history, and applicable policy considerations before stating that the proposed development is acceptable in principle given its location on the edge of Allenwood village on lands zoned as 'C: *New Residential*'. Some concerns are then raised as regards the proposed house

design, the need to provide for passive surveillance of the public open space, and the potential for overlooking of a neighbouring dwelling house. Reference is also made to the concerns of the Transportation Dept. as regards the lack of facilities for vulnerable road users and street lighting between the proposed development and the regional road. The report thus concludes by recommending that further information be sought in respect of a number of issues.

Following the receipt of a response to a request for additional information, a further report was prepared which stated that the applicant had failed to address the Local Authority's concerns as regards the lack of vulnerable road user facilities and public lighting along the R415 Regional Road on the approach to Allenwood village from the site. It was therefore recommended that permission be refused for the reason stated.

3.2.2. *Other Technical Reports:*

Water Services: No objection, subject to conditions.

Maynooth Clane Municipal District / Area Engineer: An initial report recommended that further information be sought in relation to the provision of facilities for vulnerable road users in order to access Allenwood Village.

Following the receipt of a response to a request for further information, a subsequent report recommended that permission be refused on the basis that the applicant had not addressed the concerns previously raised as regards the lack of vulnerable road user facilities and public lighting along the R415 Regional Road leading to Allenwood Village.

Heritage Officer: No objection, subject to conditions.

Housing: No objection, subject to conditions.

Environmental Health Officer: No objection, subject to conditions.

Chief Fire Officer: No objection, subject to conditions.

Roads, Transportation and Public Safety Dept.: An initial report recommended that further information be sought in relation to a number of matters, including the need to address the lack of facilities for vulnerable road users and public lighting between the development and Allenwood Village, with particular reference to the R415 Regional Road which crosses over Bond Bridge / Derrymullen Bridge.

Following the receipt of a response to a request for further information, a subsequent report recommended that permission be refused for the following reasons:

- The development, although small in scale, represents a traffic hazard for vulnerable road users from the development accessing the R415 Regional Road towards Allenwood due to the lack of proper Vulnerable Road User facilities and public lighting.
- The Design Manual for Urban Roads and Streets DMURS (2019) is now in place since the previous planning permission register references: 02/844, 06/2206 and 07/1635 were granted and is mandatory pertaining to the provision of safe vulnerable road user facilities, in this case on the R415 Regional Road where no proposals have been provided for by the applicant.

3.3. Prescribed Bodies

Irish Water. No objection, subject to conditions.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. 07/1635. Was granted on 11th October, 2007 permitting S. Porter Siteworks Ltd. permission for a development on a previously permitted plan ref: 06/2206 & 02/844/PL.09.209687 consisting of the erection 1 No. 4-bedroom dormer bungalow (Type B) together with site development works, roads services, and landscaping.
- 4.1.2. PA Ref. No. 06/2206. Was granted on 9th July, 2007 permitting S. Porter Siteworks Ltd. permission to erect 7 No. 4-bedroom bungalows (Type A) at Site Nos. 2 – 8, including 2 No. 4-bedroom dormer bungalows (Type B) at Site Nos. 1 & 9, site development works, roads, services & landscaping.
- 4.1.3. PA Ref. No. 02/844 / ABP Ref. No. PL09.209687. Was granted on appeal on 31st March, 2005 permitting John Mulhall permission for the construction of 4 No. three-

bedroom dormer bungalows, 4 No. four-bedroom dormer bungalows and associated site works.

4.2. On Adjacent Sites (to the immediate west):

4.2.1. PA Ref. No. 19589. Was refused on 18th July, 2019 refusing Earthwood Properties permission for a dormer-style non-residential disability centre, offices, double garage, car parking and all associated works, including connection to an Oakstown BAF 6 PE wastewater treatment system and percolation area, all at Derrymullen, Robertstown, Naas.

- The proposed development is located on lands where the stated zoning objective in the Allenwood Village Plan, 2017-2023 is 'I – Agriculture, to retain and protect agricultural uses'. On agriculturally zoned lands, Community and Healthcare land uses are 'not permitted'. It is therefore considered that the proposed development would contravene materially the zoning objective of the agriculturally zoned lands and would be contrary materially to the proper planning and sustainable development of the area.
- The subject site, which is located to the south of the Grand Canal, is characterised as 'Western Boglands' in Map 14.1 of the Kildare County Development Plan, 2017-2023 which has a 'high' sensitivity to development. Such areas are identified in the Plan as having a reduced capacity to accommodate uses without significant adverse effects on the appearance or character of the landscape having regard to prevalent sensitivity factors, urban expansion is noted as having a 'low' compatibility. In this regard, the proposed development would have a detrimental impact on the character of the high amenity landscape, seriously injure the amenities of the area and is contrary to Section 14.4 of the Kildare County Development Plan, 2017-2023 in relation to Landscape Character Assessment. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4.3. On Adjacent Sites (to the immediate east):

4.3.1. PA Ref. No. 14553. Was granted on 29th September, 2014 permitting Sarach Cullen (a) Permission for Retention of as constructed house and all associated site works previously granted under file ref. no. 07/104 (b) Permission to remove Condition No.

2 attached to planning permission file ref. no. 07/104 relating to occupancy of house. All at Derrymullen, Robertstown, Co. Kildare.

- 4.3.2. PA Ref. No. 07104. Was granted on 7th September, 2007 permitting Patrick Judge permission for a dormer type bungalow at Derrymullen, Robertstown, Co. Kildare.

5.0 Policy and Context

5.1. National Policy:

5.1.1. Project Ireland 2040: National Planning Framework, 2018:

The National Planning Framework (NPF) is a long-term strategic planning framework intended to shape the future growth and development of Ireland out to the year 2040, a key objective of which is the move away from unsustainable “business as usual” development patterns and towards a more compact and sustainable model of urban development. It provides for a major new policy emphasis on renewing and developing existing settlements, rather than the continual expansion and sprawl of cities and towns out into the countryside at the expense of town centres and smaller villages. In this regard, it seeks to achieve compact urban growth by setting a target for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites.

A number of key ‘National Policy Objectives’ are as follows:

- NPO 1(b): Eastern and Midland Region: 490,000 - 540,000 additional people, i.e. a population of around 2.85 million.
- NPO 3(a): Deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements.
- 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 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 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.

5.1.2. **Housing for All - A New Housing Plan for Ireland, 2021:**

This a multi-annual, multi-billion euro plan to 2030 which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs (with Ireland needing an average of 33,000 No. homes to be constructed per annum until 2030 to meet the targets set out for additional households outlined in the NPF). The Plan itself is underpinned by four pathways:

1. Pathway to supporting homeownership and increasing affordability;
2. Pathway to eradicating homelessness, increasing social housing delivery and supporting inclusion;
3. Pathway to increasing new housing supply; and
4. Pathway to addressing vacancy and efficient use of existing stock.

5.1.3. **Section 28 Ministerial Guidelines:**

The following list of Section 28 Ministerial Guidelines are of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate:

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009):
 - These Guidelines acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impacts of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (December, 2013) (as updated) (including Interim Advice Note Covid-19 May, 2020)
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).

5.2. Regional:

Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031:

Section 4.8: Rural Places: Towns, Villages and the Countryside

The following Regional Policy Objectives are of note:

RPO 4.79: Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the

value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry enterprise is supported.

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

5.3. Development Plan

5.3.1. Kildare County Development Plan, 2017-2023:

Land Use Zoning:

The proposed development site is located in an area zoned as '*C: New Residential*' with the stated land use zoning objective '*To provide for new residential development*'.

This zoning provides for new residential development and associated ancillary services. Permission may also be granted for home based economic activity within this zone subject to the preservation of residential amenity and traffic considerations. New residential areas should be developed in accordance with a comprehensive plan detailing the layout of services, roads, pedestrian and cycle routes and the landscaping of open space.

Other Relevant Sections / Policies:

Volume 1:

Chapter 2: Core Strategy:

Section 2.16: Delivering the Core Strategy:

CS 3: Support rural communities through the identification of lower order centres including small towns, villages and settlements to provide more sustainable development centres in the rural areas.

CS 4: Deliver sustainable compact urban areas through a plan-led approach.

Chapter 3: Settlement Strategy:

Table 3.1: County Kildare Settlement Hierarchy 2011- 2017: Villages: *Allenwood*

Section 3.4.4: Role of Villages:

Villages located both within the Metropolitan and Hinterland area will continue to develop as local centres for services with growth levels to cater for local need at an appropriate scale. There is a need to control expansion to minimise pressure on services, the environment and unsustainable commuting patterns. These villages will also support local enterprise that supports their sustainable growth. Village plans have been prepared to provide a planning framework for their future development and are detailed in Volume 2, Section 2.

Section 3.4.6: Sequential Approach:

All towns, villages, settlements, rural nodes (as appropriate) should be developed in a sequential manner, with suitable undeveloped lands closest to the core and public transport routes being given preference for development in the first instance. Zoning shall extend outwards from the centre of an urban area with strong emphasis placed on encouraging infill opportunities. Areas to be zoned should generally be contiguous to existing zoned development lands

Section 3.9: Objectives: Settlement Strategy:

- SO 4: Ensure that the scale and form of developments envisaged within towns and villages is appropriate to their position within the overall Settlement Hierarchy set out in Table 3.1. Due regard will be given to the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009), the accompanying Urban Design Manual – A Best Practice Guide (2009) and the Urban Design Guidelines contained within Chapter 15 of this Plan.
- SO 9: Sequentially develop lands within towns and villages in accordance with the Development Plan Guidelines, DEHLG (2007).

Chapter 4: Housing:

Chapter 6: Movement & Transportation

Chapter 15: Urban Design

Chapter 17: Development Management Standards:

Section 17.2: *General Development Standards*

Section 17.4: *Residential Development*

Volume 2:

Chapter 2. Village Plans & Rural Settlements:

Section 2.4: *Village Plans and Rural Settlement Policies:*

VRS 1: Facilitate local housing demands together with the provision of local and community services / facilities and local employment opportunities throughout the villages and rural settlements in accordance with the principles of proper planning and sustainable development.

VRS 2: Facilitate sustainable population growth in the identified villages with growth levels of up to 25% over the Plan period to cater primarily for local demands.

VRS 5: Develop lands in both the villages and settlements sequentially and generally in accordance with the following:

- Development will be encouraged from the centre outwards with undeveloped lands closest to the village centre being given first priority;
- The development of 'infill' sites and lands with opportunities for brownfield/ regeneration will be encouraged;
- 'Leap-frogging' will be strongly resisted;
- Phasing of individual developments may be conditioned as part of a grant of planning permission in villages/settlements.

Section 2.5.1: *Allenwood:*

Section 2.5.1.11: *Development Objectives*

Residential Development:

In order to facilitate local demands and in recognition of the level of development that has taken place in the recent past, future residential development should be undertaken in conjunction with social / community and appropriate commercial

development. In this regard, sites zoned 'C' have been identified for village expansion.

RD 1: Apply the following development requirements to all lands identified as 'C' (New Residential) as outlined on Map V2- 2.2:

- Existing trees and vegetation on the sites shall be retained and integrated into any new development if merited.
- Any new development proposals must ensure that the residential amenity of adjoining properties is not impinged upon.
- High quality traditional building materials and indigenous landscaping will be insisted upon.
- Seek the improvement of pedestrian and cycling facilities back to the village centre as part of development proposals.

5.3.2. **Draft Kildare County Development Plan, 2023-2029:**

The Board is advised that the current Kildare County Development Plan, 2017-2023 is scheduled to be superseded by the Draft Kildare County Development Plan, 2023-2029 which is expected to be adopted by the elected members of Kildare County Council in early 2023 and to subsequently come into effect (unless a draft Ministerial direction is received in relation to any aspect of the Plan).

The adoption of the Draft Development Plan (which is presently at 'Proposed Material Alterations' stage) will have direct implications for the assessment of the subject proposal. Most notably, the proposed development site is currently intended to be de-zoned and excluded from within the Allenwood settlement boundary.

5.4. **Natural Heritage Designations**

5.4.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Grand Canal Proposed Natural Heritage Area (Site Code: 002104), to the immediate north of the site.
- The Ballynafagh Lake Special Area of Conservation (Site Code: 001387), approximately 3.0km east of the site.

- The Ballynafagh Bog Proposal Natural Heritage Area (Site Code: 000391), approximately 4.4km east-northeast of the site.
- The Ballynafagh Bog Special Area of Conservation (Site Code: 000391), approximately 4.4km east-northeast of the site.
- The Hodgestown Bog Natural Heritage Area (Site Code: 001393), approximately 4.6km northeast of the site.

5.5. EIA Screening

- 5.5.1. Having regard to the minor nature and scale of the proposed development, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the physical separation and topographical relationship between the site and the nearest sensitive location (the Grand Canal Proposed NHA), there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Near identical development has previously been approved on the subject lands by both the Planning Authority and / or An Bord Pleanala on two different occasions.
- The only difference between the subject proposal and developments previously approved on site is that the applicant has substantially upgraded and improved the house types to reflect the decade that has passed.
- The Board is referred to the accompanying 'Traffic Report' prepared by TPS M Moran & Associates, the contents of which can be summarised as follows:
 - The existing access arrangement off the R415 Regional Road was approved as part of the development permitted under ABP Ref. No. PL09.209687 and allows for access to the Allenwood sewerage

treatment plant. It also provides access to a recently approved dwelling house to the southeast (PA Ref. No. 21/42) and was further intended to serve a residential disability centre proposed on adjacent lands (PA Ref. No. 19/589) although that was refused permission on zoning grounds.

At no stage during the assessment of any of the aforementioned applications were concerns raised by either the Transportation Dept. or the Municipal District / Area Engineer as regards transportation issues. Furthermore, no issues were raised in relation to the operation of the existing cross section of the R415 or any potential impact on pedestrians or cyclists using the roadway.

- The Kildare County Development Plan, 2017-2023 includes a number of transportation objectives within the environs of Allenwood Village and aims to undertake the following works over its lifetime:
 - i) Implement traffic calming measures at Allenwood Crossroads including the development of a speed table / plateau.
 - ii) Realign the crossroads junction.
 - iii) Provide textured surfacing at the crossroads junction.
 - iv) Provide tactile paving and new footpaths in the village along the R403 Regional Road.
 - v) Improve road markings on approach roads and within the village centre.
 - vi) Provide traffic signals at the Allenwood Crossroads.

Save for the provision of footpaths along the R403 Regional Road, there are no other objectives in the Plan as regards providing facilities for pedestrians or cyclists. More specifically, there is no objective in the Plan to investigate or provide any new pedestrian or cycle facilities along the R415 Regional Road. The Allenwood land use zoning map similarly lacks any additional pedestrian / cycle facilities or route selection corridors. Therefore, in the absence of any plan-led proposals to provide footpaths or cycleways along the R415, it follows that the

roadway must already be capable of accommodating pedestrian and cycling activity. Moreover, if there is no Local Authority objective to provide cycling and pedestrian facilities along the R415, the applicant cannot be burdened with such an unreasonable requirement.

- If the Local Authority were to provide cycle lanes and footpaths along the R415 in the vicinity of the site, it is likely that these could be accommodated within the existing carriageway.
- It is likely that the Local Authority would have to negotiate or compulsory acquire third-party lands to provide even a single 2m wide illuminated footpath. Therefore, as the provision of any new pedestrian / cycle facilities would likely involve lands outside of the applicant's ownership, it is not in a position to carry out such works.
- The applicant is willing to pay an appropriate development contribution towards any improvement works deemed necessary.

A preliminary contribution breakdown based on a 300m length of footpath being provided from the existing access with the R415 Regional Road northwards towards the village is as follows:

Area of footpath (2m wide x 300m length = 600m²):

Cost of path construction €65/m ² :	€39,000
Cost of kerbing €40/m ² :	€12,000
Cost of construction lighting:	€22,500
<u>Total:</u>	<u>€73,500</u>

- Contrary to the suggestion by the Local Authority that the '*Design Manual for Urban Roads and Streets*' has mandatory standing in relation to the provision of facilities for vulnerable road users, DMURS is a best practice publication which complements previous advice issued viz:
 - o Traffic Management Guidelines (2003)
 - o Smarter Travel (2009)

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) (2009)
- National Cycle Manual (2011)
- Planning Guidelines: Local Area Plans (2013)

It provides guidance on the design of urban roads and streets and presents a series of principles, approaches and standards that are necessary to achieve balanced, best practice design outcomes with regard to street networks and individual streets.

- The DMURS guidance can only be incorporated by the design team on lands within the applicant's control i.e. at the junction of the R415 with the existing access road; the existing access road and the site access; and the internal site access.

The road layout and levels shown on Drg. No. J21-038 001 Rev. B indicate a series of DMURS objectives which can be introduced at the aforementioned locations ranging from reduced junction radii, additional footpath provision, dedicated pedestrian crossings, and a homezone. From a review of this site plan, it is suggested that it would be possible to incorporate all the DMURS objectives within the detailed design of this small residential scheme for agreement with the Local Authority. Any such detailed design could also be accompanied by a DMURS Compliance Statement and Stage 1 / 2 & 3 Road Safety Audits as part of a detailed design compliance process.

The applicant is amenable to a condition requiring the submission of a DMURS Compliance Statement and Stage 1 / 2 & 3 Road Safety Audits for agreement with the Local Authority.

- The previous approval of a similar residential development on site has established the principle of access from the adjacent road network and the associated trip generation.
- The Local Authority is being unreasonable in seeking off-site infrastructural improvements when there is no Development Plan

objective to advance these works. These off-site works are well outside the application site and will likely require third party lands which the applicant is unable to deliver. A financial contribution towards future works on this section of the R415 would have been more appropriate.

- The applicant is amenable to the imposition of planning conditions as regards contributing to off-site infrastructure works and the implementation of DMURS standards within the detailed design of the project.
- The road engineers and Road Design Dept. of Kildare County Council have twice approved development at this location having considered it to be small in scale and duly safe for future residents.
- The Board has previously approved the development of these lands having regard to scale and safety considerations (PA Ref. Nos. 06/2206 & 02/844 (ABP Ref. No. PL09.209687)).
- Since the previous approval of development on site, the land in question has been zoned for residential purposes under the Kildare County Development Plan, 2017-2023.
- A commencement notice for the approved development was issued to Kildare County Council and the access constructed, however, the development was not completed due to the financial crash of 2008.
- The intention is to complete the development as originally approved using an updated house type and in so doing provide much needed housing for the local community.
- The applicant is amenable to any planning condition relating to the delivery of any infrastructure required to serve the proposed development.
- The applicant is unaware of any accidents involving pedestrians or vehicular traffic on or approaching Bond Bridge. The bridge has been in regular use by pedestrians without complaint or incident.

6.2. **Planning Authority Response**

- Refers to the internal reports on file, with particular reference to those of the Planning Section and the Roads, Transportation & Public Safety Dept.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- Procedural issues
- The principle of the proposed development
- Appropriate assessment

These are assessed as follows:

7.2. **Procedural Issues:**

7.2.1. This assessment has been undertaken in the context of the current Kildare County Development Plan, 2017-2023, however, I would advise the Board that this Plan will be superseded by the Draft Kildare County Development Plan, 2023-2029 which is expected to be adopted by the elected members of Kildare County Council in early 2023 before subsequently coming into effect (unless a draft Ministerial direction is received in relation to any aspect of the Plan). The adoption of the Draft Development Plan (which is presently at 'Proposed Material Alterations' stage) will have direct implications for the assessment of the subject proposal.

7.3. **The Principle of the Proposed Development:**

7.3.1. From a review of the available information, in my opinion, the pertinent issue in assessing the overall principle of the proposed development derives from its location

relative to the built-up area of Allenwood and, more specifically, the need to ensure that the village develops in a sequential and co-ordinated manner. In this regard, the applicant has put forward the case that the subject site comprises suitably zoned and serviced lands and that permission has previously been granted on two different occasions for a comparable scale of residential development on site. (PA Ref. Nos. 02/844 (ABP Ref. No. PL09.209687) & 06/2206 as further amended by 07/1635).

- 7.3.2. Given the site context, and by way of background, I would advise the Board that when permission was originally granted for a housing development on the subject site pursuant to PA Ref. No. 02/844 / ABP Ref. No. PL09.209687, the lands in question were not zoned for residential development, however, it was considered that due to the close proximity of Allenwood, the development then proposed would amount to a rural cluster (the occupation of which would be confined to eligible persons satisfying the relevant 'local needs' criteria) which was permissible under the Kildare County Development Plan, 1999 (with reference also being made in the inspector's report to the Draft Guidelines on "Sustainable Rural Housing" published by the DoEHLG in March, 2004). It is this approval, when taken in combination with the further grant of permission issued on site under PA Ref. No. 06/2206, which seems likely to have informed the subsequent decision of the Planning Authority in its adoption of the Kildare County Development Plan, 2011-2017 to zone the subject site for residential purposes and to include it within the newly defined village / settlement boundary for Allenwood. Notably, this land use zoning has since been carried forward into the current Kildare County Development Plan, 2017-2023.
- 7.3.3. Notwithstanding the land use zoning and the broader assertion that the subject proposal effectively amounts to a renewal of an earlier grant of permission, given the specifics of the site context, in my opinion, it is clear that there are difficulties in reconciling the proposed development (and the land use zoning) with the broader strategic requirements of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009' and the National Planning Framework (Project Ireland 2040) which have come into force since the previous grants of permission.
- 7.3.4. The subject site is located at a considerable remove from the built-up area of Allenwood and is physically separated from the wider village given the presence of the Grand Canal. In effect, it occupies a detached position on the south-eastern

periphery of the village boundary in a predominantly agricultural area characterised by a significant proliferation of individual one-off dwelling houses and the transition to the surrounding rural / agricultural hinterland. Furthermore, although some of the intervening lands between the application site and the built-up area of the village are zoned for new development, it is notable that a considerable expanse of these lands is presently zoned for agricultural ('I: Agricultural') or amenity ('F: Open Space & Amenity) purposes in the Kildare County Development Plan, 2017-2023. Indeed, the subject site is entirely isolated from any other residentially zoned areas with all of the contiguous lands being either unzoned or having been zoned for agriculture / amenity in the Development Plan.

- 7.3.5. The Kildare County Development Plan, 2017-2023 (Section 3.4.6: '*Sequential Approach*' & Objective SO9) references the need for sequential development with those lands closest to the urban core and public transport routes to be prioritised for development purposes. Objective VRS 5 of the Plan further reiterates the need for villages to develop sequentially with undeveloped lands closest to the centre to be given first priority while 'leap-frogging' is to be strongly resisted. This is in line with national policy and at this point I would draw the Board's attention to Chapter 2: '*Role of development plans and local area plans*' of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' which emphasises the need to adopt a co-ordinated and sequential approach to the zoning of residential lands, extending outwards from the centre of an urban area, as recommended by the '*Development Plans, Guidelines for Planning Authorities, 2007*' (this latter guidance advocates a logical sequential approach to the zoning of land for development with undeveloped lands closest to the core and public transport routes being given preference over more remote areas thereby avoiding 'leapfrogging' and scenarios whereby housing estates are constructed beyond the outer edges of existing built-up areas while intervening lands lie undeveloped resulting in deficiencies in terms of footpaths, lighting, drainage or adequate roads infrastructure. It also states that areas to be zoned should be contiguous to existing zoned development lands with any exception to be clearly justified in the written statement of the development plan).
- 7.3.6. The National Planning Framework further emphasises the need to secure the compact and sustainable growth of urban centres with the preferred approach

comprising compact development that focuses on reusing previously developed, 'brownfield' land, building up infill sites, which may not have been built on before, and either reusing or redeveloping existing sites and buildings. This is given practical expression in a series of National Policy Objectives with NPO 3(a) aiming to deliver at least 40% of all new homes nationally within the built-up footprint of existing settlements (similar provisions are set out in the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy, 2019-2031).

7.3.7. The remote location of the development site and its physical separation from Allenwood is further evidenced by the lack of connectivity between it and the village due to the absence of any pedestrian footpaths (and / or cycleways) and street lighting along the R415 Regional Road. Furthermore, the section of roadway between the development site and the village proper (or the 50kph speed limit) is subject to a 60kph speed limit and, therefore, genuine concerns arise as regards the safety of pedestrians in particular who may opt to walk along the carriageway to or from the village. This disconnection is in turn likely to limit the ability of future occupants of the proposed housing to readily avail of the services, shops and general amenities etc. within the village without the resorting to the use of private transport. This is of particular note given the importance of assigning higher priority to pedestrians and cyclists as per the '*Design Manual for Urban Roads and Streets*' while the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' similarly prioritise walking, cycling and public transport, and minimise the need to use cars.

7.3.8. Having considered the foregoing, I would concur with the assessment by the Planning Authority as regards the risk posed to vulnerable road users (i.e. pedestrians and cyclists) given the lack of footpaths and public lighting to link the development site with the village proper, particularly in light of its location outside the 50kph speed limit. In this regard, it is also of relevance to note that in the absence of any specific Development Plan objectives to the contrary, there would appear to be no intention on the part of the Local Authority to extend the public footpath along the R415 Regional Road as far as the development site (the limited width of the carriageway over Bond Bridge and its designation as a protected structure would likely pose a barrier to any such road improvements). In addition, it should be noted that the proposal (as submitted in response to the request for further information) to

provide a new pedestrian footpath along the northern edge of the existing access road between the site and the regional road will require the carrying out of works on lands beyond the development site and potentially outside of the applicant's control.

7.3.9. Notwithstanding the offer by the applicant to pay a development contribution towards the construction of a public footpath etc. linking the site with the village proper, in my opinion, the proposed development would be contrary to current planning policy and good practice as regards the order of priority for development. The application site is remote from the built-up area of Allenwood and the construction of proposed housing in such a location would amount to uncoordinated and disorderly development. The proposed development constitutes sporadic and piecemeal development, would endanger the safety of vulnerable road users, and would set an undesirable precedent for other similar developments. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area

7.3.10. By way of further comment, I am also cognisant that the Kildare County Development Plan, 2017-2023 (including the relevant land use zoning provisions contained in the Allenwood Village Plan) is scheduled to be superseded by the Draft Kildare County Development Plan, 2023-2029 which is expected to be adopted by the elected members of Kildare County Council in early 2023 before subsequently coming into effect (unless a draft Ministerial direction is received in relation to any aspect of the Plan). The adoption of that Development Plan (which is presently at 'Proposed Material Alterations' stage) will have direct implications for the assessment of the subject proposal, most notably, as the development site is proposed to be 'dezoned' and excluded from the Allenwood village boundary. This would lend further credence to the emphasis being placed on the need for compact growth and sequential development as expressed in current national and regional policy and would further undermine the merits of the proposal.

7.4. **Appropriate Assessment:**

7.4.1. Having regard to the limited nature and scale of the development under consideration, the site location outside of any protected site, the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate

assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. The "Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in May, 2009, recommend a sequential and co-ordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes should be given preference. Notwithstanding the residential zoning objective for the area, as set out in the development plan for the area, it is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the village of Allenwood. Having regard to the peripheral location of the site, the undeveloped nature of similarly zoned lands in closer proximity to the built-up area of the village, the scale and nature of the development proposed, the absence of appropriate links to the village proper (including footpaths and public lighting), and the walking distance to the village centre, it is considered that the proposed development would result in an unplanned and disorderly approach to the expansion of the village, would represent a piecemeal approach to the sustainable development of the area in conflict with the stated of policies of the planning authority, would endanger the safety of vulnerable road users by reason of traffic hazard, would be excessively car dependent,

and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

18th November, 2022