

Statement of Consistency and Planning Report

In respect of

Proposed Strategic Housing Development

at

Ballyoulster, Celbridge, Co. Kildare

Prepared for

**Kieran Curtin, Receiver over certain assets of
Maplewood Developments Unlimited Company (in
liquidation and in receivership)**

Prepared by

John Spain Associates

June 2022



39 Fitzwilliam Place, Dublin 2
Telephone: (01) 662 5803
E-mail info@johnspainassociates.com
www.jsaplanning.ie

Contents

| | | |
|------------|---|------------|
| 1.0 | INTRODUCTION..... | 3 |
| 2.0 | SITE LOCATION AND CONTEXT | 7 |
| 3.0 | PRE-APPLICATION CONSULTATIONS | 10 |
| 4.0 | DESCRIPTION OF THE PROPOSED DEVELOPMENT | 14 |
| 5.0 | NATIONAL AND REGIONAL PLANNING CONTEXT | 37 |
| 6.0 | LOCAL PLANNING POLICY | 53 |
| 7.0 | STATEMENT OF HOUSING MIX..... | 98 |
| 8.0 | SUMMARY AND CONCLUSIONS..... | 101 |
| | APPENDIX 1 – LEGAL OPINION..... | 103 |
| | APPENDIX 2 – RECORD OF PRE-APPLICATION CONSULTATIONS..... | 104 |
| | APPENDIX 3 – CELBRIDGE RESIDENTIAL PLANNING PERMISSIONS AND HOUSING UNIT ALLOCATION..... | 108 |
| | APPENDIX 4 – LETTER FROM AGENT | 110 |

DOCUMENT CONTROL SHEET

| | |
|------------------------|--|
| Client: | Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership) |
| Project Title: | Ballyoulster SHD - Phase 1 (JN20114) |
| Document Title: | Statement of Consistency / Planning Report |
| Document No: | FINAL |

| Rev. | Status | Author(s) | Reviewed By | Approved By | Issue Date |
|-------|--------|-----------|-------------|-------------|------------|
| FINAL | Final | KK | PT | PT | 16/06/2022 |

1.0 INTRODUCTION

- 1.1 On behalf of the applicant, Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership), we hereby submit this Statement of Consistency / Planning Report to accompany this strategic housing development planning application to An Bord Pleanála under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in relation to a proposed residential development at lands at Dublin Road and the Shinkeen Road, within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare.
- 1.2 The application site is bound by a greenfield site, Donaghcumper Cemetery, Retronix Semiconductor company and the Dublin Road to the north, the Rye River Brewing Company and the Ballyoulster Park housing estate to the north east, the Primrose Gate housing estate to the south, agricultural lands to the east and Shinkeen Road to the west. Donaghcumper Medieval Church Ruins (RPS No. B11-02) and the house on Dublin Road, Donaghcumper (RPS No. B11-26), are protected structures located north of the application site. The application site has an overall area of 13.4 hectares. For ease, the application site is divided into three sites (A, B and C).
- 1.3 The proposed development is described as follows in the public notices:

“The proposed development comprises a Strategic Housing Development of 344 no. residential units (comprising 54 no. 1 beds, 30 no. 2 beds, 210 no. 3 beds and 50 no. 4 beds), a 2 no. storey childcare facility with a GFA of c. 369 sq.m, public and communal open space, landscaping, car and cycle parking spaces, provision of an access road from Dublin Road and Shinkeen Road, associated vehicular accesses, internal roads, pedestrian and cycle paths, bin storage, cycle storage, pumping station and all associated site and infrastructural works.

The residential component of the development consists 214 no. apartments / duplex units, and 130 no. houses of to be provided as follows:

- *4 no. 3 bed two storey detached houses;*
- *28 no. 3 bed two storey semi-detached houses;*
- *48 no. 3 bed two storey terraced houses;*
- *50 no. 4 bed three storey semi-detached houses;*
- *214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, and all duplex apartments / apartments are provided with a terrace / balcony or private garden;*

The development includes a total of 585 no. car parking spaces, 4 no. loading bays and a total of 770 no. cycle spaces. The proposal includes hard and soft landscaping, lighting, boundary treatments, the provision of public and communal open space, including 3 no. Local Parks, children’s play areas, and an ancillary play area for the childcare facility.

The proposed development includes road upgrades, alterations and improvements to the Dublin Road / R403 and the Shinkeen Road, including the provision of new vehicular accesses and signalised junctions, pedestrian crossing points, and associated works to facilitate the same. The proposal includes internal roads, including 3 no. bridge crossings, cycle paths, footpaths, with proposed infrastructure and access points provided up to the application site boundary to facilitate potential future connections to adjoining lands.

The development includes foul and surface water drainage, pumping station, 3 no. ESB Substations, services and all associated and ancillary site works and development.”

- 1.4 An Environmental Impact Assessment Report has been prepared in respect of the proposed development and accompanies this application.

Strategic Housing Development Definition

- 1.5 In respect of the Strategic Housing Development definition, the development relates to a total of 344 no. residential units and therefore is considered to fall within the provisions of the Strategic Housing Development legislation which defines Strategic Housing Development as “the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses” under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The application site is zoned ‘C: New Residential’ and ‘E: Community and Educational’ and it is identified within the Celbridge Local Area Plan 2017-2023 as part of a key development area ‘KDA 2 Ballyoulster’.
- 1.6 A legal opinion has been obtained to confirm that the proposed development meets the definition of SHD under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The legal opinion, provided by David Browne BL, is included as Appendix 1 to this report. This confirms that:
- It is clear that the residential units will be solely located on lands with C zoning and therefore no issue arises in that regard. In relation to the access road, this would be deemed to be ancillary to the proposed residential development as it is necessary and incidental to the development which it serves.
 - There is no reference in s.3 of the 2016 Act or any statutory requirement that all ancillary development that facilitates a residential development that otherwise comes within the scope of SHD must be on land zoned for residential use or for a mixture of residential and other uses. All that is required is that the residential units (referred to as ‘houses’) must be on lands so zoned.
 - Counsel is not aware of any authority that ancillary development can only be provided on lands which expressly allow for it in a residential zoning use matrix.
 - Accordingly, in the particular circumstances here where the access road will be on lands with both C zoning and E zoning but where the residential units will be on lands with the C zoning, the road that will traverse the lands with C zoning is ancillary to and will facilitate the residential use and the development meets the statutory definition of SHD in s.3 of the 2016 Act.
 - The proposed development does not breach the definition of SHD in the 2016 Act insofar as that refers to the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses and the access road will be an ancillary use that will facilitate the residential development which will take place on lands with the C zoning.
- 1.7 This Statement of Consistency and Planning Report, prepared by John Spain Associates, demonstrates that the proposed development is consistent with the relevant national and regional planning policy, guidelines issued under Section 28 of the Planning and Development Act (2000), as amended, and the Kildare County Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023.
- 1.8 This Statement of Consistency addresses the requirement of the Strategic Housing Development application form which requires:

(A) A statement that, in the prospective applicant's opinion, the proposed strategic housing development is consistent with relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000.

(B) A statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the relevant development plan.

- 1.9 There is a general obligation to “have regard” to Ministerial Guidelines. Additionally, Section 9(6)(b) of the Planning and Development (Housing) and Residential Tenancies Act provides:

“(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.”

- 1.10 This Statement of Consistency therefore demonstrates compliance with the Apartment Guidelines 2020 and the Building Height Guidelines 2018, particularly in respect to SPPR's which supersede relevant policies, objectives and standards in the Kildare County Development Plan and Celbridge LAP. It also includes details in respect of the proposed development in relation to the site location and context, a detailed description of the development, and the relevant planning history.

- 1.11 For greater detail in respect of compliance and consistency with quantitative standards for residential duplex / apartment units as outlined within the 2020 Apartment Guidelines and the houses in respect of the Kildare Development Plan 2017-2023, please refer to Section 6 and 7 of this report and the Housing Quality Assessment (HQA), architectural drawings and Design Statement prepared by O'Mahony Pike Architects.

- 1.12 A Statement of Material Contravention Statement is included, should the Board be of the view that the proposal materially contravenes the Kildare County Development 2017-2023 (as varied) in respect of (i) the housing unit allocation for Celbridge as set out in Table 3.3 of the CDP (as amended under Variation No. 1 of the CDP) and (ii) the car parking standards set out in Table 17.9 of the CDP, and the Celbridge Local Area Plan 2017-2023 in respect of (iii) the estimated density outlined for KDA2 set out in Table 4.1 and Section 12.2.2 of the Celbridge LAP, and (iv) Figure 12.1 and Section 12.2.2 of the LAP in relation to the Design Concept for KDA 2 Ballyoulster.

- 1.13 The proposed development as submitted to An Bord Pleanála (ABP) is the product of an analysis of the subject site, its settings and characteristics, planning history, national, regional and local planning policy, and an iterative design process, including formal pre-application consultations with Kildare County Council (the Planning Authority) and a tripartite meeting with An Bord Pleanála, details of which are provided in Section 4. The final design of the proposed development responds to the items of specific information identified within the Board's Opinion on the conclusion of the pre-application consultation process. The accompanying Statement of Response report prepared by John Spain Associates should be referred to for a response to the items of specific information required by the Board. The Statement of Response refers to other documents within the application which provide more detailed responses to particular points where relevant.

- 1.14 A seven year permission for the proposed development is sought. This is considered appropriate given the scale and nature of the proposed development, and the associated complexities of construction in this location. However, as discussed further

below, it is intended to commence and complete construction in a timely manner. The proposed construction of the development has been split into three number distinct phases over a 5-year construction programme. Furthermore, following new legislation in 2021, Section 42(8) of the Planning and Development Act 2000, as amended, provides that a planning authority shall not extend planning permissions granted that are subject to an EIAR, unless the balance of works to be completed can be screened out and accordingly it is considered appropriate to request a duration beyond the typical five year permission for this application.

Summary of Planning Rationale and Key Points

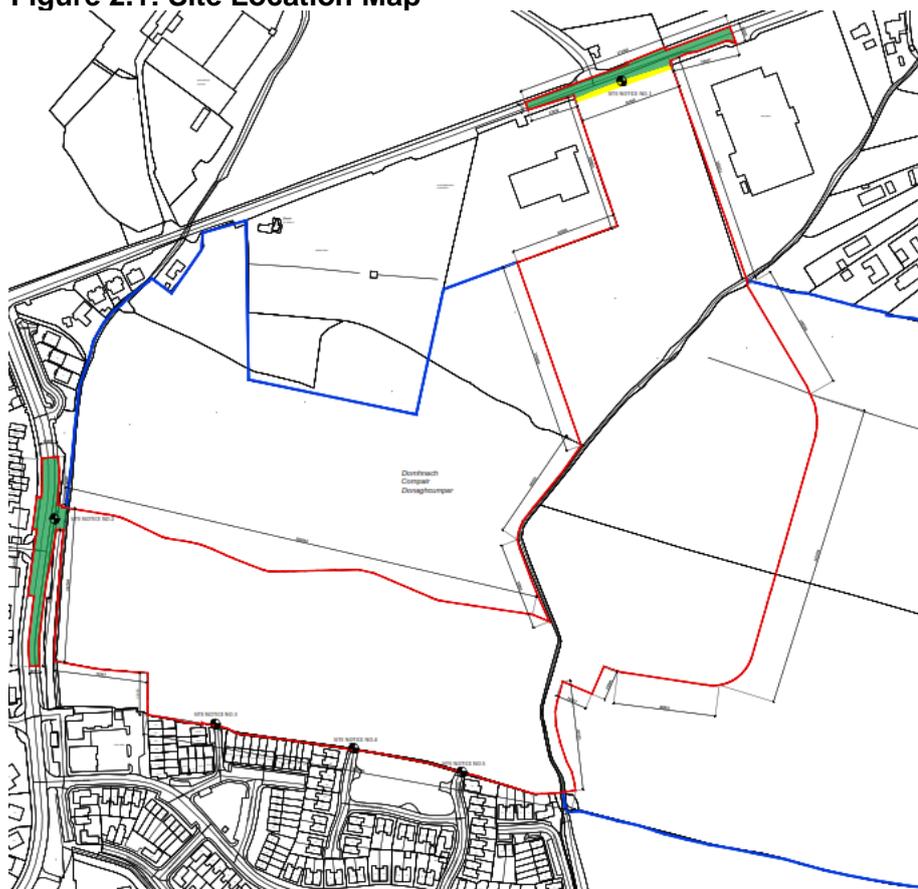
1.15 The planning rationale for the proposed development, and the key details pertaining thereto, can be summarised briefly as follows:

- The principle of the proposed development is considered acceptable and in accordance with national, regional and local policy objectives,
- The application site is primarily zoned 'C: New Residential' which seeks 'to provide for new residential development' and partly 'E: Community and Educational' with the objective 'to provide for education, recreation, community and health' in the Celbridge Local Area Plan 2017-2023.
- The proposed development accords with the vision and objectives for the KDA 2 lands which are to provide for the development of a new residential neighbourhood, including primary and post primary schools and a local park that integrates with its surrounding, whilst having its own unique character and a strong sense of place.
- The proposed development is well served by public transport and services which have adequate frequency and overall capacity as set out in the Traffic and Transport Assessment. The nearest existing bus stops are located on the Dublin Road (c. 300-400m from the proposed access to Dublin Road) and the Shinkeen Road (c. 140m from the proposed access). Additional bus stops are within walking distance of the subject site on Primrose Hill and within the town centre. The Hazelhatch and Celbridge Train Station is located approximately 1.9km south of the subject site and provides frequent train services to Dublin Heuston Station as well as regional routes serving Cork, Galway, Limerick and Waterford. The newly implemented Bus Connect 'Local' Routes L58 and L59 (which are easily accessible from the subject site location) provide bus access to this station. The train station is part of the Dart+ programme and the Dart + South West Project from Hazelhatch & Celbridge to the City Centre. The Dart + programme aims to modernise and improve existing rail services in the Greater Dublin Area, delivering frequent, modern, electrified services to Celbridge. The statutory consultation period for the Dart + South west is expected to commence in Q2/Q3 of 2022 and will further increase the accessibility of Celbridge with increased train capacity.
- The subject site is well served by existing social and community infrastructure with a wide mix and variety of uses in the surrounding area. The subject site is also within walking distance of the town centre with a large range of restaurants, cafes and other services/facilities such as churches, community centres, medical services and a library. There are a number of sports and recreational facilities available in proximity to the site
- The submitted scheme has been subject to a number of key alterations from that submitted as part of the pre-application consultation to ABP. In particular, the layout has evolved to ensure the proposed development addresses potential flood risk and identified archaeological features which are to be retained in situ within the site, whilst ensuring it continues to meet the overall key objectives for the KDA 2 lands set out in the Celbridge LAP 2017-2023.

- The proposed development includes significant public open space with one local park within each character area. Each public space is integrated with existing hedgerows and mature trees, in addition to proposed footpaths, cycle ways, green links, landscaping and a variety of play spaces.
- The proposed development is sequentially located adjoining existing development at the edge of Celbridge. It makes the most efficient use of the subject land increasing residential development in an existing urban area and providing for high density residential development in key location well served by existing and planned public transport and local services.
- The location of the proposed SHD within Celbridge, contiguous to the built up area of the town constitutes an opportunity for planned, compact and sustainable growth on an appropriately zoned site, which has strong physical and social infrastructure. The NPF actively seeks to foster stronger regions via the utilisation of existing residential zoned and serviced or serviceable lands such as the subject site. The objectives of the NPF, in particular NPO 3(a), 11, 33 aim to direct new homes at locations which can support sustainable development and can encourage more people and generate more jobs and activity in towns. The NPF also supports the increased residential density on in accordance with the principles of compact growth.

2.0 SITE LOCATION AND CONTEXT

- 2.1 The application site (See Figure 2.1) comprises a greenfield site located at Dublin Road and the Shinkeen Road, within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare. It is sequentially located at the edge of the established built-up area of Celbridge. The application site is bound by a greenfield site, Donaghcumper Cemetery, Retronix Semiconductor company and the Dublin Road to the north, the Rye River Brewing Company and the Ballyoulster Park housing estate to the north east, the Primrose Gate housing estate to the south, agricultural lands to the east and Shinkeen Road to the west. Donaghcumper Medieval Church Ruins (RPS No. B11-02) and the house on Dublin Road, Donaghcumper (RPS No. B11-26), are protected structures located north of the application site.
- 2.2 The application site (with a gross site area of 13.4ha) is located to the south east of Celbridge town centre and is allocated as part of 'Key Development Area (KDA2) – Ballyoulster' within the Celbridge Local Area Plan 2017-2023. The subject site forms the Phase 1 lands of the overall landholding (c. 40 ha). It includes the Shinkeen Stream which runs through the site from the north east to the south and the Hazelhatch watercourse along the western boundary. Both watercourses form part of the Liffey Catchment.

Figure 2.1: Site Location Map

Source: OMP Architects

- 2.3 The subject site is well served by existing social and community infrastructure with a wide mix and variety of uses in the surrounding area. The neighbourhood centre of St Wolston's Shopping Centre is in very close proximity to the site and includes a Super Valu, a fitness club, a medical centre and a pharmacy. The subject site is also within walking distance of the town centre with a large range of restaurants, cafes and other services/facilities such as churches, community centres, medical services and a library. There are a number of sports and recreational facilities available in proximity to the site, including Celbridge Abbey Gardens, Celbridge GAA Club and Celbridge Football Club.
- 2.4 We refer to the Traffic and Transport Assessment prepared by DBFL Consulting Engineers which provides full details on the accessibility of the site. In summary, the subject site is serviced by several existing bus routes (See Figure 2.2), with the Phase Two Bus Connects Network Redesign commenced and operating within Celbridge. The nearest existing bus stops are located on the Dublin Road (c. 300-400m from the proposed access to Dublin Road) and the Shinkeen Road (c. 140m from the proposed access). Additional bus stops are within walking distance of the subject site on Primrose Hill and within the town centre.
- 2.5 Dublin Bus services C4, C6, X27, X28, L58 and L59 replace the previous Dublin Bus Services 67, 67x and 67n, with two additional 'Local' Routes L58 and L58 providing convenient bus connections to Rail services available at the Hazelhatch & Celbridge Train Station. The C4 bus service operates between Ringsend and Maynooth with a 30 minute frequency whilst the X27 and X28 offer express services between Celbridge and UCD (Belfield) every 15-20 minutes during peak times. The C6 Route provides a nightly service between Maynooth and Ringsend operating between midnight and

approx. 05:00. The Go-Ahead Commuter Route 120 is accessible on English Row in Celbridge Town Centre and operates between Connolly Station and Edenderry. The subject site will also benefit from an additional orbital Route W6 which will provide a connection towards Maynooth to the north-west and Tallaght to the south-east. The route will travel via Citywest and will have a frequency of 30 minutes on both weekdays and weekends.

Figure 2.2: Existing Bus Stops and Services



(Source: DBFL TTA)

- 2.6 The Hazelhatch and Celbridge Train Station is located approximately 1.9km south of the subject site and provides frequent train services to Dublin Heuston Station as well as regional routes serving Cork, Galway, Limerick and Waterford. The newly implemented Bus Connect 'Local' Routes L58 and L59 (which are easily accessible from the subject site location) provide bus access to this station. The train station is part of the Dart+ programme and the Dart + South West Project from Hazelhatch & Celbridge to the City Centre. The Dart + programme aims to modernise and improve existing rail services in the Greater Dublin Area, delivering frequent, modern, electrified services to Celbridge. The statutory consultation period for the Dart + South west is expected to commence in Q2/Q3 of 2022 and will further increase the accessibility of Celbridge with increased train capacity.

Relevant Recent Planning History

- 2.7 There is no relevant recent planning history relating to the subject lands. The planning history of the wider Celbridge area is summarised in Appendix 2, the Statement of Material Contravention and Chapter 2, Appendix 2.1 of the EIAR. In relation to the immediately adjoining lands the following application is of relevance:

Reg. Ref.: 22209 – Rye River Brewing Company

- 2.8 On the 28th February 2022, a planning application was submitted to the Planning Authority for the proposed development of a new detached building comprising of a single storey high bay warehouse storage element to the rear and a 2-storey element to the front with commercial use/brewery visitor centre to ground floor and ancillary office accommodation to first floor.
- 2.9 KCC issued a Request for Further Information on the 22nd of April 2022, with 9 no. items. Item no. 5 relates to liaising with the developer of the subject lands and to indicate a footpath/cycle path along the full frontage of the Dublin Road. Details of the

proposals for cycle / pedestrian path to the frontage of the subject lands will be provided by our design team to the adjoining applicant to ensure both are aligned and the proposals for the subject site reflect the current application and FI request for the adjacent site.

- 2.10 In addition, it is noted that the proposed road upgrades and improvement works to the Dublin Road included in the subject SHD application, extend along the frontage of the Rye River Brewing Company site of which a very small element extends into the existing access area, as illustrated in Figure 2.3 below. KCC have provided a letter of consent for the inclusion of these lands within the application site boundary.
- 2.11 In accordance with the Planning and Development Regulations 2001-2022, Article 19 (4), the site notices erected for the SHD application are white, noting that whilst there is a very minor overlap of the red lines, this does not comprise of land '*substantially consisting of the site or part of the site*', and therefore the site notice on yellow background is not required.

Figure 2.3: Extract of Site Layout Plan - Proposed Works to Dublin Road



3.0 PRE-APPLICATION CONSULTATIONS

- 3.1 Details of the pre-application consultations with KCC and ABP are summarised below and in Appendix 2. The evolution of the design for the proposed development has been guided by the planning policy framework (see Section 6 and 7), informed by the planning history of the surrounding area, and the issues and points raised during the pre-application discussions with the Planning Authority and An Bord Pleanála (see below and Statement of Response report for further details). The proposals now submitted to the Board are considered to be in accordance with the proper planning and sustainable development of the area.

S.247 Pre-Application Consultations

- 3.2 Two no. formal Section 247 pre-application meetings were undertaken with Kildare County Council (the Planning Authority). The first meeting was held on the 26th August 2021. The pre-application meeting was attended by Eoghan Lynch (Senior Executive Planner), Amy Granville (Senior Planner) of KCC Planning Department, in addition to Patrick Harrington (Senior Executive Architect- Housing), George Willoughby and Siobhan O'Dywer (Transportation), Colm Flynn and Earnan McGee (Environment), Chanel Ryan (Fire Service).
- 3.3 The scheme presented to the Planning Authority at the first pre-application meeting comprised c. 322 no. residential units (comprising 164 no. apartments / duplex units and 158 no. houses), a childcare facility, 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 and all associated site and infrastructural works.

- 3.4 A further meeting was undertaken with FCC on the 7th April 2022. The pre-application meeting was attended by Eoghan Lynch (Senior Executive Planner), Louise Murphy, Amy Granville (Senior Planner), George Willoughby and Joe Keane (Transportation), David Hall (Water Services) and Earnan McGee (Environment), David Lee (Irish Water), and Carmel O'Grady (Parks). In summary, the revised scheme presented comprised of 341 no. units, a childcare facility, communal and public open space, landscaping, provision of an access road from Dublin Road and Shinkeen Road, and all associated site and infrastructural works, on a site area of c. 12.7ha. The pre-application submission provided a comprehensive response to planning policy matters, architectural layout and design, landscaping / public open space, drainage and flooding, and transport matters.
- 3.5 The main points raised and discussed at the pre-application meetings are summarised in Appendix 1 and the description of the proposed development provided within Section 4 of this report (below) describes the scheme as now submitted for approval.

Urban Design Strategy / Development Strategy

- 3.6 As discussed further below, the Urban Design Strategy chapter, and associated Development Strategy appendix, of the Architectural Design Statement prepared by OMP provides an overview of the development strategy for the subject site and the wider KDA 2 lands. The urban design strategy illustrates how the proposed Phase 1 development adheres to all the key objectives for the lands as set out in the Celbridge Local Area Plan 2017-2023 and how it relates to the potential future development of the overall KDA 2 lands. The strategy has been developed following consultation with the Planning Authority during 2020 and 2021 in respect to the overall landholding, and has been informed by the pre-application consultations with the Planning Authority and An Bord Pleanala, and ongoing engagement with the Department of Education.

Tripartite Meeting and Opinion of the Board

- 3.7 Following the tripartite meeting on the 16th February 2022, the Board's Opinion sets out 3 no. items requiring further consideration by the applicant and design team to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development. The 3 no. items relate to the requirement of a revised FRA to take account of the Hazelhatch Flood Extents Study 2021 and any associated revisions to the layout, a detailed response in respect of how the proposed development complies with the zoning objectives, and further information to address consistency with the Development Plan Settlement Strategy. In addition, 8 no. items of specific information were requested in the Board's Opinion.
- 3.8 The separate Statement of Response Report prepared by JSA submitted with this SHD application outlines how the issues raised in the Board's Opinion have been addressed in this final submission.
- 3.9 We refer to the Design Statement for further details, but in summary the key alterations to the scheme from that submitted as part of the pre-application consultation, to address items raised in the Board's Opinion, are as follows:
1. The site area increased from 12.7 hectares to 13.4 hectares to add a portion of the Dublin Road and Shinkeen Road for proposed improvement and public realm works, including construction of 2 no. signalised junctions.
 2. The layout has developed to create a coherent strategy that responded to the significant constraints of flooding and archaeology features identified within the

- site, whilst also ensuring a high quality design in respect of streetscape, enclosure and passive surveillance.
3. The public open space has been revised to provide a series of Local Parks integrating with the Shinkeen Stream and the 10m riparian corridor. This sequence of connected public spaces creates a unique landscape setting and amenity for each character area providing future residents with a mix of passive and active uses, a distinct sense of place and a designated local park.
 4. The proposed access and alignment of the access road from Dublin Road has been revised to protect and preserve archaeological features in situ.
 5. A cycleway has been introduced along the frontage of the site with Dublin Road;
 6. Site C is revised and relocated central to the site overlooking both local parks and provide a strong urban edge to the access road.
 7. The setbacks from existing mature trees and hedgerows has been improved to provide for the retention of these biodiversity corridors as illustrated in the Arboricultural Report and accompanying drawings. The wider landscape scheme for the development has also been further developed, with a significant level of consideration given to proposed planting, landscape layout and species, resulting in improvements in terms of landscape impact vis a vis the previously considered alternatives.
- 3.10 In addition to the above, the proposed scheme continues to provide a childcare facility and significant public open space.
- 3.11 Comments received from KCC Parks Department indicated that provision should be made for a full size playing pitch in the subject application. However, due to the constraints of the subject site, particularly in respect of flooding and archaeology, it is not possible to facilitate a full size pitch within the subject site. Furthermore, there is no requirement for provision of such a playing pitch in the Kildare Development Plan 2017-2023 or the Celbridge Local area Plan 2017-2023. However, the proposed development continues for significant public open space, and it will significantly enhance connectivity and permeability in the area.
- 3.12 Following discussions with KCC Transport / Roads section and the planning policy requirements, the proposed site layout has been designed to maximise permeability and connectivity to, through and from the site by foot and by bicycle. Dedicated cycle and pedestrian facilities are proposed at the two vehicular access junctions on Dublin Road and Shinkeen Road. It is acknowledged that the Celbridge Local Area Plan 2017-2023 identifies an objective for road and footpath improvements along the Dublin Road. Whilst no scheme has been developed to date by the Planning Authority, the subject application includes for road and footpath improvements along the application site frontage thereby complying with this objective of the LAP as it relates to the subject lands.
- 3.13 As discussed further in the TTA report, a meeting took place between DBFL and KCC Roads / Sustainable Transport departments with the aim of determining the likely future cycle infrastructure along the Dublin Road corridor. The subject site layout incorporates a 2m wide footpath and 2m wide cycle track within the site boundary on the southern side of the Dublin Road corridor. However, should an alternative arrangement be preferred and progressed by KCC in the future, this can be easily incorporated into the subject scheme due to the significant setback provided along the Dublin Road. In the interim (before a cycle scheme along the Dublin Road corridor is developed), the proposed cycle and pedestrian link through the subject lands offers a safe and attractive connection between the Dublin Road corridor and existing cycle facilities on Shinkeen Road which in turn link with the Dublin Road corridor. Please refer to the Traffic and Transport Assessment prepared by DBFL for further information.

3.14 Thus, the subject application provides for appropriate facilities along the site frontage, that will be compatible with future cycle schemes on the Dublin Road corridor by the Planning Authority, which have yet to be developed. The proposed cycle facilities on the Shinkeen Road corridor within the subject sites red line boundary will take the form of cycle tracks with dedicated TOUCAN crossings on all arms of the proposed signal-controlled junction. The proposed cycle tracks offer additional protection and Quality of Service to cyclists along this corridor over and above the existing cycle lanes. At the extents of the red line boundary, the proposed cycle tracks will tie-into the existing cycle lane arrangement to the north and south.

Other Relevant Consultations

3.15 As set out in the application form, the design team have engaged in the following consultations prior to lodgement of the application:

- Irish Water – as part of the pre-connection enquiry application process with Irish Water it was confirmed that the existing network has capacity to cater for the development, subject to local upgrades which are to be delivered by Irish Water. A Statement of Design Acceptance letter has also been received. This is discussed further in and following sections, and please refer to the Infrastructure Design Report prepared by DBFL for further information.
- Department of Education – the applicant is in ongoing discussions with the Department of Education in respect of the lands reserved for the new education campus. A letter of support from the Department of Education is included as part of the application as a standalone document. This confirms the following:
 - The Department is satisfied that the lands reserved for the three school campus is appropriately located and fulfils the Department's requirements.
 - The letter notes that the school campus increased in size from the initial proposal of c. 6 ha to the current agreed area of 7.2ha, and that the site is sufficient to allow for potential future expansion / increased capacity within the schools should the need arise.
 - The Department is supportive of the proposed access road and its delivery, noting it will provide important infrastructure to serve the school campus, including pedestrian and cycle links.
 - Set down spaces / parking for the schools will be accommodated within the lands reserved for the school campus.
 - In terms of timescales, progress is being made between the Applicant and the Department in relation to contract for sale and transfer of the lands.
 - The delivery of the project, which is within the Department's current capital programme, has been devolved to a Delivery Team and it is current projected that a planning application for the school campus development will be lodged within c. 12 to 18 months.
- In addition, the applicant liaised with Smith Property Management on behalf of Primrose Gate Management Company CLG who confirmed there was no interest in any pedestrian access from the subject site to the Primrose Gate development, which is not taken in charge, i.e. within the management companies control.
- National Monuments Service – as part of the pre-application process, a meeting was held with the National Monuments Service to discuss and agree the archaeological mitigation as set out in the EIAR Chapter 4.

4.0 **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- 4.1 The proposed development comprises a Strategic Housing Development of 344 no. residential units, a 2 storey childcare facility with a GFA of c. 369 sq.m, public and communal open space, landscaping, car and cycle parking spaces, provision of an access road from Dublin Road and Shinkeen Road, associated vehicular accesses, internal roads, pedestrian and cycle paths, bin storage, ESB substations, pumping station and all associated site and infrastructural works.

Figure 4.1: Proposed Site Layout (Source: OMP Design Statement)



(Source: OMP Design Statement)

- 4.2 Key details of the proposed development are broken into its constituent parts and presented in Table 4.1 below for ease of reference. For future detailed description of the architectural design please refer to the Design Statement prepared by OMP Architects. For further details in respect of the landscape design proposed please refer to the Landscape Statement and drawing prepared by Bernard Seymour Landscape Architects and for further details on transport and drainage services can be found in the documentation prepared by DBFL.

Table 4.1: Proposed Development Details

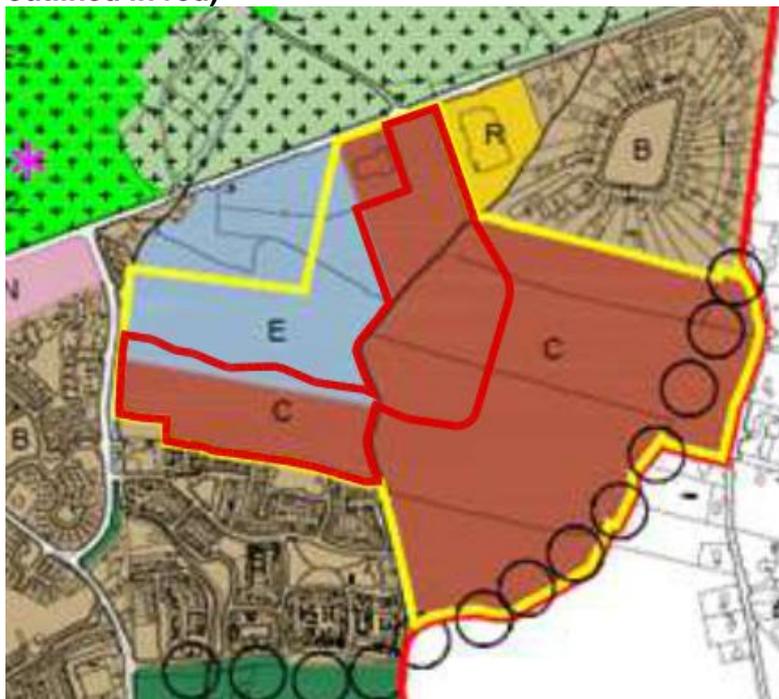
| | Proposed |
|--|--|
| Application Site Area (Red Line Boundary) | 13.4 ha |
| Land in applicant's control | 12.9 ha |
| Net Residential Development Area | 9.7ha |
| No. Residential Units | 344 no. units |
| Non-residential units | Childcare Facility – 369 sq.m |
| Mix | <p><u>All units (Duplex and houses)</u></p> <ul style="list-style-type: none"> • 54 no. 1 beds • 30 no. 2 beds • 210 no. 3 beds • 50 no. 4 beds <p><u>Breakdown</u></p> <ul style="list-style-type: none"> • 4 no. 3 bed two storey detached houses; • 28 no. 3 bed two storey semi-detached houses; • 48 no. 3 bed two storey terraced houses; • 50 no. 4 bed three storey semi-detached houses; • 214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, all duplex apartments / apartment to have a terrace or private garden |
| Floor Areas | <p>Houses</p> <ul style="list-style-type: none"> • 3 Bed House 110.3 – 124.9 sq.m • 4 bed house 142.7 <p>Duplex Apartments / Apartments</p> <ul style="list-style-type: none"> • 1 beds 51 sq.m • 2 beds 81.8-95.6 sq.m • 3 beds 105-117.7 sq.m |
| Site Coverage | 18% |
| Plot Ratio | 0.4 |
| Density | 35.5 (based on net site area of 9.7ha) |
| Accessibility | Peripheral and/or Less Accessible Urban Locations under the definitions provided in the Apartment Guidelines 2020 |
| Building Heights | 2 to 3 no. storeys |
| Dual Aspect | 100% dual aspect (number of houses also triple aspect) |
| Car Parking / loading bays | <ul style="list-style-type: none"> • 585 no. spaces in total: <ul style="list-style-type: none"> ○ 260 no. spaces for houses (2 spaces / unit) ○ 214 no. spaces for duplex units (1 space / unit) |

| | |
|---|---|
| | <ul style="list-style-type: none"> ○ 102 no. visitor spaces ○ 9 no. spaces for the childcare facility ● 4 no. loading bays |
| Cycle Parking | <ul style="list-style-type: none"> ● 770 no. spaces in total: <ul style="list-style-type: none"> ○ 378 no. residential on curtilage spaces ○ 120 no. residential shared, covered and secure spaces ○ 272 no. visitor spaces (including 13 no. creche cycle parking spaces) |
| Public Open Space (excluding riparian strip) | 24,726 sq.m (18% gross of site area / 25% of net site area) |
| Communal Open Space | 2,151 sq.m |
| Riparian Strip | Total: 0.8 ha <ul style="list-style-type: none"> ● Shinkeen Stream (centre of site): 0.7 ha ● Hazelhatch Watercourse (west of Site A): 0.1 ha |
| Part V | 69 no. units (pepper potted across the site) <p>Includes:</p> <ul style="list-style-type: none"> ● 7 no. houses ● 62 no. apartments / duplex units |

Land Use Zoning

- 4.3 The subject land is primarily zoned 'C: New Residential' which seeks 'to provide for new residential development' and partly 'E: Community and Educational' with the objective 'to provide for education, recreation, community and health' in the Celbridge Local Area Plan 2017-2023. The lands are identified within the Celbridge Local Area Plan 2017-2023 as part of a key development area 'KDA 2 Ballyoulster'. The proposed development is consistent with the Celbridge LAP Land Use Zoning Objectives Map and the Land Use Zoning Matrix set out in section 13.4 of the LAP. This is discussed further in section 6 below.

Figure 4.2: Extract Land Use Zoning Objectives Map (approximate site area outlined in red)

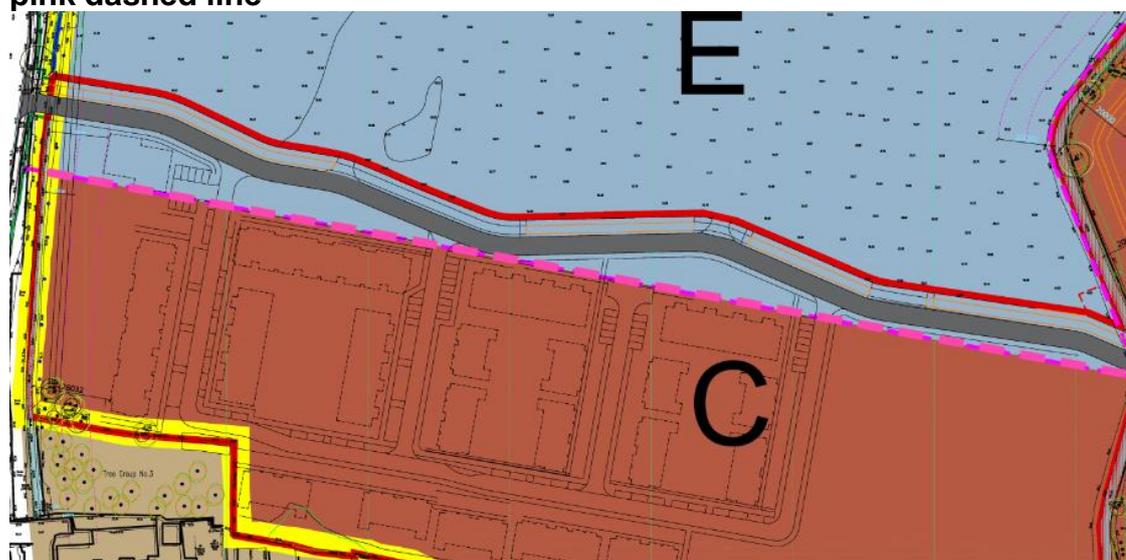


- 4.4 The proposed residential units and public open space are located solely on lands zoned 'C: New Residential' as per the Celbridge Local Area Plan Land Use Zoning Objectives Map. Both residential and the local park/playgrounds uses are permitted land uses within the 'C – New Residential' land use zone. The proposed childcare facility is within Site A, on lands zoned 'E: Community and Educational'. Section 13.4 of the LAP confirms that a 'creche/playschool' use is a permitted in principle use within the 'E' zoning objective. The total proportion of the proposed application site which is subject to the 'E' Community and Educational land use zoning is 7% (0.92ha of 12.9ha of land in the applicant's control), and in addition to the childcare facility, it also includes part of the proposed access road.
- 4.5 The proposed access road connecting the Dublin Road to the Shinkeen Road, which will provide a local distributor road and is referred to as 'The Boulevard', is located partly on lands zoned 'E: Community and Educational' (north of Site A), with the remainder on lands zoned 'C: New Residential'.
- 4.6 This proposed access road is considered appropriate and in keeping with the land use zoning. Whilst part of the access road is located on the 'E' zoned lands, the proposed access road will serve both the new residential development (including Phase 1 and future phases), the childcare facility and also provides the access to the lands reserved for the Department of Education in relation to the provision of the 3 no. schools. The proposals include pedestrian and cycle links along the Boulevard to serve the schools and the residential development, and it also includes 2 no. access points to the school lands. The Site Layout Plan also allows for additional landscape buffers / ancillary open space areas (partly on 'E' zoned lands) between the boulevard, the lands reserved for the schools and the proposed residential development in Site A (these are not factored into the public / communal open space requirements for the residential development). The road's layout has been agreed in consultation with the Department, who have provided a letter of support submitted with this application.
- 4.7 A legal opinion has been obtained on whether the link access road which will facilitate the proposed Phase 1 residential development and connect the site from the Dublin

Road to the Shinkeen Road will contravene materially the land use zoning objectives in the Celbridge Local Area Plan 2017-2023 and therefore breach s.9(6)(b) of the 2016 Act or whether the proposed development is acceptable in principle, given the zoning objectives in the LAP. The legal opinion, provided by David Browne BL, is included as appendix 1 to this report and discussed further in section 6.

- 4.8 The Opinion confirms that the proposed access road is ancillary to the proposed residential development and is not what might be termed as a 'primary' use which is in conflict with the E Zoning. In other words, ancillary infrastructure which will facilitate the residential development on the lands with the C Zoning does not materially contravene the E Zoning as it is a secondary or incidental use and will also facilitate the childcare facility and future development in that E Zoning.

Figure 4.3: Extract Site Layout Plan – Land Use Zoning identified by a pink dashed line



Source: OMP Design Statement

Urban Design Strategy / Development Strategy

- 4.9 The Urban Design Strategy chapter, and associated appendix, of the Architectural Design Statement prepared by OMP provides an overview of the development strategy for the subject site and the wider KDA 2 lands. The urban design strategy illustrates how the proposed Phase 1 development adheres to all the key objectives for the lands as set out in the Celbridge Local Area Plan 2017-2023 and how it relates to the potential future development of the overall KDA 2 lands. As part of this it provides a coherent strategy for future planning applications expected to come forward on a phased basis, and includes proposals in relation to the public realm, built form, green infrastructure, movement hierarchy with supporting civils infrastructure.
- 4.10 In summary, it is envisaged that the wider KDA 2 lands could be delivered over 3 no. residential phases with associated physical and social infrastructure. The delivery of the lands reserved for the schools will be delivered separately by the Department of Education and is incorporated into the phased approach for the overall lands. The strategy has been developed following consultation with the Planning Authority since 2020 in respect to the overall landholding, and has been informed by the pre-application consultations with the Planning Authority and An Bord Pleanála, and ongoing engagement with the Department of Education.

Figure 4.4: Overall Indicative Development Strategy for the KDA 2 lands (Source: OMP Design Statement)



4.11 Phase 1 has regard to this overall urban design strategy and has evolved to ensure the proposed development addresses potential flood risk and identified archaeological features which are to be retained in situ within the site, whilst ensuring it continues to meet the overall key objectives for the KDA 2 lands set out in the Celbridge LAP 2017-2023. This includes:

- **Vision:** It is consistent with the 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 surrounding, whilst having its own unique character and a strong sense of place.
- **Connectivity / Movement:**
 - It continues to reflect the Design Concept in respect of the principal access points from the Shinkeen Road and the Dublin Road, noting the final position of the junctions and the internal road have been informed by engineering requirements, as set out in the Traffic and Transport Assessment prepared by DBFL Consulting. This also provides a continuous route through the KDA 2 lands that connects to surrounding areas, with a road connection from the Loughlinstown Road to the R405/Hazelhatch Road also planned in the longer term and which the proposals do not impede.
 - It provides a permeable network of pedestrian and cycle friendly streets and spaces that incorporate existing site features, such as the Shinkeen Stream and existing mature trees.

- **Built Form:**
 - As set out in the Architectural Design Statement the proposals reflect the established pattern of development in the area and integrate with the lands reserved for the primary and post primary schools.
 - A mix of housing types are proposed in buildings that range from two to three storeys in height.
 - Landmark / feature buildings are provided for legibility and to reinforce the proposed hierarchy of streets and spaces.

- **Landscape and Spaces:**
 - The Shinkeen Stream is incorporated into the proposed landscape. A continuous pedestrian and cycle link is provided as close to the bank as possible, whilst ensuring it protects the riparian corridor. The proposed landscaping and green links will enhance the ecological value of the stream.
 - The residential areas are structured around a series of open spaces which provide for both active and passive recreation.
 - The Ballyoulster / Loughlinstown townland boundary does not form part of this application and relates to future phases. However, we refer to the landscape proposals which demonstrate the proposals provide for the retention of existing mature trees and planting of new trees as much as possible.

Proposed Layout and Design

- 4.12 The design of the proposed development has been informed by the planning history of the surrounding area, the surrounding context, and national, regional and local planning policy. We refer the Board to the Design Statement prepared by OMP Architects for details of the architectural justification of the proposed development.

Figure 4.5: CGI View of Proposed Courtyard and Duplex Blocks



- 4.13 The proposed layout and design has evolved and advanced significantly following the pre-application consultation with regard to the overall site layout design. The key revisions to the scheme are set out in Section 3 above, however it is considered the

proposals provide the optimal urban design and architectural solution, that responds positively to the site constraints in respect of flooding and archaeology.

Density

- 4.14 The proposed development of 344 no. residential units equates to a net density of 35.5 no. units per hectare. This is based on the net site area of 9.7ha. The net site area excludes the following:
- Riparian corridor;
 - The new access road (Local Distributor Road)
 - The flood area (Zone A and B) located within Site A
 - Lands zoned E Community and Education (noting no residential units can be located on these lands.
- 4.15 The net site area is consistent with Appendix 1 of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which acknowledges local distributor roads, significant buffer strips can be excluded. It is also considered appropriate to exclude the area of land within flood Zone A and B, in addition to the 'E' zoned lands, as those areas cannot be developed for residential units. The net area does not exclude the archaeological area, whilst this has been kept free from development to ensure it can be preserved in situ.
- 4.16 The density is discussed further in Section 5 and 6. In summary, the Celbridge LAP does not state any maximum density figure for the KDA 2 lands and instead provides an estimate figure. Table 4.1 of the Celbridge LAP states the estimated density for the KDA 2 lands is 30 dph, with an estimated capacity of 885 no. units. This is based on an area of 29.5 ha, which Table 4.1 states is the quantum of land for housing for KDA 2. However, it notes that the estimated residential capacity represents an estimate only, and that *'the density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities'*. Section 12.2.2 relating to the KDA 2 lands also states that *'this site will accommodate medium to low-density residential development in the order of 30 units per hectare.'*
- 4.17 Therefore, it is clear that the LAP allows for flexibility with regards to the density of development on the site, and as demonstrated in the OMP Architectural Design Brochure and following the full assessment of the site characteristics, the Phase 1 lands can deliver a scheme with a net density of 35.5 uph whilst also meeting all other required objectives of the LAP and the CDP. The proposed density also aligns with the 'Development Strategy' (included as Appendix 1 of the Architectural Design Statement) prepared for the overall landholding, which identified a net density of c. 35 units per hectare as being suitable for the lands, and noting that the Phase 1 site needs to be considered in the context of the overall landholding. A lower density is likely to be located on the remainder of the site, with the lands being more removed from the core of the town, as part of future phases of development, resulting in an overall net density of 30 per ha across the KDA 2 lands. This will still ensure it continues to represent a 'low to medium residential development' as envisaged by the LAP.
- 4.18 Table 4.2 of the CDP sets out a density figure of 30-50 dph for a greenfield site in a large town, such as the subject site. As set out in Section 4, this is aligned with national policy and ministerial guidelines, including the Sustainable Residential Development in Urban Areas Guidelines (2009), the Urban Development and Building Height Guidelines for Planning Authorities 2018, and the Apartment Guidelines 2020 which

seek to encourage compact growth and higher density development in accessible locations, such as the subject site.

- 4.19 In particular the Sustainable Residential Development in Urban Areas Guidelines (2009), which is referred to within LAP objective RD02.1, states that for 'outer suburban / 'greenfield' sites in larger towns *'the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally.'* The proposed net density of c. 35.5 uph accords with this range.

Residential Mix and Building Heights

- 4.20 The residential component of the development consists 214 no. apartments / duplex units, and 130 no. houses. The residential mix comprises the following:
- 54 no. 1 bed duplex / apartment units
 - 30 no. 2 bed duplex / apartment units
 - 210 no. 3 bed units (130 no. duplex/apartments and 80 no. houses)
 - 50 no. 4 bed houses
- 4.21 The proposed building heights range from 2 and 3 no. storeys, broken down as follows:
- 4 no. 3 bed two storey detached houses;
 - 28 no. 3 bed two storey semi-detached houses;
 - 48 no. 3 bed two storey terraced houses;
 - 50 no. 4 bed three storey semi-detached houses;
 - 214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, all duplex apartments / apartment to have a terrace or private garden;
- 4.22 A mix of housing / apartment types are proposed, ranging from two to three storeys as encouraged by the LAP, and landmark / feature buildings are proposed in appropriate locations to provide for legibility and variety in the urban environment. Overall, the proposed Phase 1 development is in keeping with the LAP vision for the lands to provide a new residential neighbourhood that integrates with its surroundings whilst having its own unique character and a strong sense of pace. A Statement of Mix is provided in section 7 of this report.
- 4.23 This application is accompanied by a Housing Quality Assessment document prepared by OMP Architects which demonstrates the consistency of the proposed development with the relevant quantitative standards in the Quality Housing for Sustainable Communities document (2008), the accompanying best practice guidelines, the Kildare County Development Plan where relevant, and the Apartment Guidelines 2020.
- 4.24 The proposed houses will accord with the minimum house size requirements outlined under Table 5.1 of the 'Quality Housing for Sustainable Communities' Communities' (DoEHLG, 2008) and Guidelines on 'Delivering Homes, Sustaining Communities' (DoEHLG, 2007). The proposed houses will also comply with the design standards set out in Section 17.4.5 of the Development Plan including the minimum floor area and private open space requirements.

Visual Impact

- 4.25 We refer to Chapter 6 Landscape and Visual Impact of the EIAR prepared by Model Works Limited and comprises an assessment of the likely effects on the landscape and visual environment of the proposed development.
- 4.26 In terms of landscape effects, the LVIA states that *'for the most part the effects can be considered neutral or positive, given that (a) the proposed development would initiate the realisation of the Celbridge LAP vision for the Ballyoulster KDA and (b) the proposal exhibits many of the principles of good urban design including making optimal use of the existing landscape features/assets of the site.'*
- 4.27 In terms of visual effects, to assess the potential long term/permanent visual effects of the proposal, 10 no. viewpoints were selected for detailed assessment informed by verified photomontages. The viewpoints were selected to represent the key receptors in the receiving environment.

Residential Amenity

- 4.28 As noted in the accompanying architectural drawings and set out in Section 6, the separation distances between apartment/duplex blocks, the proposed houses and neighbouring properties in the main meets, and exceeds where possible, the minimum separation distance of 22m. Where the separation distances fall below 22m between opposing first floor windows, which is only in a few locations, the proposed design ensures overlooking into habitable rooms does not occur. Innovative unit types / design are proposed in this regard, for example because it is from the gable end of a block or houses or shallow house types that do not have habitable rooms to the rear at first floor level, high quality design and landscaping and/or the site context ensure privacy is maintained and there is no undue impact. Furthermore, where opposing windows are proposed first floor level and the separation distances are below 22m, obscure glazing windows are proposed to bathrooms / ensuite windows to ensure there is no perceived overlooking (e.g. See House Type D3 and D4).
- 4.29 The design, scale and height of the proposed development is sympathetic to the neighbouring properties in proximity to the site boundaries. The closest residential properties are located to the south of Site A within Primrose Gate. Further details are set out in the section drawings and Design Statement in respect to the relationship with these areas, however, as noted above the layout and building forms, combined with the landscape proposals and distance to the neighbouring properties, ensure there is no unacceptable impact in relation to overlooking. As discussed below, the Daylight, Sunlight and Overshadowing Assessment demonstrates that none of the surrounding properties assessed will experience a noticeable reduction in their vertical sky component as a result of the proposed development.

Daylight and Sunlight Assessment

- 4.30 We refer to the Daylight, Sunlight and Overshadowing Assessment prepared by Passive Dynamics which demonstrates that the proposed development accords with the relevant BRE Guidelines.
- 4.31 Prior to submission of the application, revised BRE Guidelines were published on the 9th June 2022 and update the previous issue of BRE 209 (2011) to reflect that BS 8206-2:2008: Lighting for Buildings - Part 2: Code of practice for daylighting was recently replaced with EN 17037:2018 Daylight in Buildings. As a consequence, during this transitional period given the new BRE Guidelines have only very recently been

published, Passive Dynamics have carried out a comprehensive daylighting analysis using both standards, providing daylighting results in terms of Average Daylight Factor (based on previous British Standard – BS 8206-2) and Spatial Daylight Autonomy (based on current European Standard – EN 17037) and the National Annex within the British implementation of the European Standard (BS EN 17037). The Sunlight component of this assessment has also been carried out in accordance with both the standards where they differ in methodology. In summary this confirms:

Average Daylight Factor for the Proposed Apartments/Duplexes and Houses:

- 100% of Bedrooms achieve the BRE recommended ADF of $\geq 1.00\%$
- 100% of Living Rooms achieve the BRE recommended ADF of $\geq 1.50\%$
- 100% of the Kitchen/Living/Dining achieve the BRE recommended ADF of ≥ 2.0

Spatial Daylight Autonomy

- 98.1% of the total number of spaces assessed achieve the annual required illuminance according to EN 17037 (Bedrooms and Kitchen/Living spaces assessed using the EN17037 metric.
- The spaces were also assessed for spatial daylight autonomy using the British National Annex illuminance targets:
 - 100% of bedrooms achieve the required annual illuminance according to BS EN 17037 (100 Lux test)
 - 100% of kitchens/living/dining rooms achieve the required annual illuminance according to BS EN 17037 (200 Lux test)
 - 100% of Living rooms achieve the required annual illuminance according to BS EN 17037 (150 Lux test)
 - 100% of the total number of spaces assessed achieve the annual required illuminance according to the National Annex within BS EN 17037.

Sunlight Availability - Proposed

- Analysis was carried out in line with the current BRE 209 guidance, ensuring that the proposed development receives adequate levels of sunlight and no substantial loss of sunlight is incurred in the surrounding buildings. For this assessment the medium level of three hours as stated in BRE 209 20022 was targeted. At least one habitable room in each dwelling achieve this target.
- Furthermore, the openings of the proposed building living spaces that face within 90° of due south receive at least 25% of annual probable sunlight hours after the inclusion of the proposed development, in line with BRE guidance.
- The openings of the proposed building living spaces that face within 90° of due south achieve at least 5% of probable sunlight hours during winter months after the inclusion of the proposed development, in line with BRE guidance.

Impact of loss of Daylight to Neighbouring Properties

- The VSC analysis carried out confirms that none of the surrounding properties assessed will experience a noticeable reduction in their vertical sky component result with the inclusion of the proposed development. Each window assessed meets the required VSC criteria as per the recommendation of the BRE Guide.

Sunlight Availability –Surrounding Buildings

- The openings of the surrounding building living spaces that face within 90° of due south receive at least 25% of annual probable sunlight hours after the inclusion of the proposed development, in line with BRE guidance.
- The openings of the surrounding building living spaces that face within 90° of due south achieve at least 5% of probable sunlight hours during winter months after the inclusion of the proposed development, in line with BRE guidance.

Childcare Facility / Non-Residential Uses

- 4.32 The proposed development includes a childcare facility of c. 369 sq.m and associated play area (c. 80 sq.m) located within Site A, on lands zoned 'E: Community and Educational' (Section 13.4 of the LAP confirms that 'creche/playschool' is a permitted in principle use within the zoning objective). We refer to the Social and Community Infrastructure Audit / Assessment prepared by John Spain Associates which confirms that the childcare facility has the potential to cater for c. 74-92 children (based on a gross floorspace requirement of c. 4-5 sq.m per child). This facility will accommodate the demand for childcare spaces generated by the proposed development (of c. 39 to 77 no. places) with potential additional capacity to accommodate any demand in the surrounding area, which in any case are already catered for by the other facilities in close proximity to the subject site, as outlined above.
- 4.33 The proposed childcare facility is considered viable within this scheme, meets the requirements of the LAP in respect to KDA 2 and also provides urban design benefits at this key entrance point to the site. The access and parking areas for the childcare facility have been carefully considered by OMP and DBFL and are deemed appropriate. In summary, the location of the childcare facility creates a new frontage onto the Shinkeen Road and creates a new varied streetscape onto the boulevard's southern edge, with the school site forming the northern edge of the boulevard. The location ensures that it has strong pedestrians and cycle connections to the wider residential development on the site and the wider neighbourhood. The Riparian Strip along the Shinkeen Road forms a natural green edge / boundary to the outdoor play area for the childcare facility and will enhance the quality of the environment for play activities.

Landscaping and Open Space

- 4.34 We refer to the Landscape Strategy Report prepared by Bernard Seymour Landscape Architects and the Design Statement prepared by OMP for further details in relation to the open space strategy and the proposed landscaping.
- 4.35 As set out above, the open space strategy for the subject site has been revised from that initially proposed at the pre-planning meeting with ABP to respond to the site constraints in respect of the updated flood maps from the Hazelhatch Flood Extent Study and the findings of archaeological investigations (particularly to the north of the site). The key change to the design concept is in respect of the open space strategy, which provides a necklace of local parks within each character area, rather than a single large central local park. The revised strategy continues to deliver on the objectives and design brief set out in Section 12.2.2 of the LAP in respect of the vision, connectivity / movement, built form, landscape and spaces. It delivers on the design brief to incorporate *'the Shinkeen Stream as a landscape feature that includes a continuous pedestrian and cycle link along its bank, structured around a variety of open spaces that provide for both active and passive recreation, with the retention of existing mature trees and the planting of new trees along the Ballyoulster/Loughlinstown townland boundary.'*

- 4.36 The proposed Site Layout Plan and Landscape Masterplan has also been revised following the pre-application consultation to improve the access and proximity of the units to the proposed communal and public open spaces.
- 4.37 A total of 2.56 ha of public open space (excluding the riparian corridor) is proposed, representing 18% of the gross site area and 25% of the net site area. This meets and exceeds Section 17.4.7 of the Development Plan which requires a minimum 15% of the total site areas as public open space for greenfield sites. It also accords with Policy OS1 and the open space objectives which seek to provide high quality multi-functional public open space. The public open space will cater for the Phase 1 residential development and also towards the future phases of development within KDA 2.

Figure 4.6: Extract Landscape Masterplan



- 4.38 The 2.56 ha (25,586 sq.m) includes a necklace of local parks, with one local park within each character area. Each public space is integrated with existing hedgerows and mature trees, in addition to proposed footpaths, cycle ways, green links, landscaping and a variety of play spaces. This includes:
- Site A Local Park and Playground: The local park is 10,652 sq.m includes a fitness trail, community gardens, extension of hedgerows woodland and natural landscaping, picnic area. A separate playground area is also proposed (c. 200 sq.m).
 - Site B Local Park: This public open space is c. 10,715 sq.m and has been designed to ensure it integrates and protect in situ the identified archaeology features. The proposed meadow with wild flowers and the raised cycle route will ensure this area is protected.
 - Site C Local Park and Playground: This local park is c. 4,219 sq.m includes a recreational corridor, large play areas, gardens, picnic areas, woodland and

natural landscaping features. A separate playground area is also proposed (c. 500 sq.m).

- 4.39 The above does not include for the riparian corridors which equates to c. 0.8ha in total and in accordance with the development, the public open space calculation only includes 10% of the SUDS area, with remaining SUDs features excluded.
- 4.40 The proposed landscaping also incorporates the Shinkeen Stream as a landscape feature, with a continuous pedestrian and cycle link along its bank, whilst retaining the 10m riparian strip, and structured around the variety of open spaces that provide for both active and passive recreation. The proposed access road has been designed as a 'Green Boulevard', which will be a key landscape feature.

Figure 4.7: CGI View of Riparian Corridor / Public Open Space



- 4.41 Provision is also made for 2,151 sq.m of communal open space in total, exceeding the Apartment Guidelines 2020 requirements of 1,650 sq.m. Each Character Area A,B and C provides an over provision of Communal Amenity for residents in the form of gardens and courtyards. Each site is provided with 2no. communal gardens which are located adjacent to the terraces of Duplex Apartments for convenience. The communal open space is broken down as follows within each character area:
- Site A: 1,075 sq.m
 - Site B: 486 sq.m
 - Site C: 590 sq.m
- 4.42 We refer to the Design Statement for a detailed rationale. In summary, the communal open space comprises a combination of communal gardens and courtyard areas with the perimeter of a block or adjoining a block. Within Site A, the communal garden is located south of Duplex terrace and is overlooked by the bookend elevation of the adjoining block. Additionally, a communal courtyard is located between Blocks 2-4 and a local play ground is provided for the residents. Within Site B, the communal garden is located west of 2no. Duplex Terraces and nestled behind an existing and retained hedgerow. Both gardens are overlooked by the bookend elevation of the adjoining block and a pedestrian link is provided along its boundary to the public realm, ensuring

that these spaces are animated and passively surveyed. Within Site C, the gardens are connected to the Duplex Terraces creating micro gardens and communal spaces for the residents of the adjoining terraces. These spaces are smaller, passive spaces which contrast to the public formal play areas and greenlinks which are provided within the Local Park of Site C. These more intimate and enclosed gardens are provided in excess of the requirements set out in the Apartment Guidelines 2021 which the provision within each character site is set out in the schedule.

- 4.43 The Daylight, Sunlight and Overshadowing Analysis prepared by Passive Dynamics demonstrates that the proposed amenity areas of the development comply with BRE guidelines with 2 hours of sunlight on the 21st March across over 50% of the site.
- 4.44 Private amenity space will be provided for each residential unit in accordance with the requirements of the Development Plan and the Apartment Guidelines 2020.
- 4.45 The application is supported by a full Arboricultural Impact Assessment, and with input from the project ecologists, the proposals seek to retain existing hedgerows and trees where possible, in addition to new native planting. The public lighting has also been co-ordinated with the project ecologist to ensure no biodiversity impact and we refer to the Public Lighting Report prepared by Waterman Moylan for further information.
- 4.46 As mentioned in section 3, the applicant liaised with the management company of the adjoining open space to the south within the Primrose Gate development with regard to the potential to create a direct pedestrian link. The management company confirmed there was no interest in provision of a pedestrian link. Therefore whilst no direct link is provided at this stage, the pedestrian infrastructure is provided up to the application site boundary to facilitate potential future connections.
- 4.47 The revisions to the scheme have sought to ensure that there is clear and accessible linkages between the three residential character areas within Phase 1 (Site A, B and C), the communal open spaces and the public open space. The revisions ensure there is an improved connection between residential units and the proposed open spaces. The revised layout also addresses the concerns to ensure that the development is not dominated by parking and that there is sufficient privacy between the units.

Transport Matters

- 4.48 We refer to the Traffic and Transport Assessment prepared by DBFL Consulting Engineers for full details on the proposed infrastructural works, a summarised below. A DMURS Design Compliance Statement prepared by DBFL Consulting Engineers demonstrates the proposed development layout is consistent with the principles and guidance outlined within the Design Manual for Urban Roads and Streets (DMURS) 2019. The TTA confirms the proposals have regard to the transport objectives set out in the Celbridge LAP which relate to the KDA 2 lands. In accordance with the LAP, the TTA demonstrates the capacity of the existing transport network to support the proposed development.

Pedestrian and Cyclist Access Arrangements

- 4.49 The proposed site layout has been designed to maximise permeability and connectivity to, through and from the site by foot and bicycle. Dedicated cycle and pedestrian facilities are proposed at the vehicular junctions on Dublin Road and Shinkeen Road. Permeable links are also proposed to the existing residential settlement to the south. The proposals also allow for connections to future phases.

- 4.50 The Shinkeen Road corridor currently benefits from cycle lanes and footpaths on both sides of the corridor for which the subject proposals aim to respect and tie into. Accordingly, proposals on the Shinkeen Road corridor have been designed to allow for consistency of facilities between those proposed along the site boundary and those to the north and south tie-in locations. The subject scheme provides for dedicated cycle and pedestrian infrastructure through the subject site providing a safe and low traffic route between the Dublin Road access and the Shinkeen Road corridor which, as stated above, benefits from existing dedicated pedestrian and cycle facilities on both sides of the corridor.
- 4.51 As set out in Section 3, cycle facilities have been provided along the site frontage on the Dublin Road corridor. In addition, the building line along the Dublin Road has been set back to allow for future connections with enhanced cycle and pedestrian facilities to the town centre in the future to be delivered by the Planning Authority. Thus, the subject application provides for appropriate facilities along the site frontage, that will be compatible with future cycle schemes on the Dublin Road corridor by the Planning Authority, which have yet to be developed.

Vehicular Accesses

- 4.52 The main site access / egress will be via 2 no. new junctions including one on the Shinkeen Road and another on the Dublin Road. Both junctions will take the form of Ghost Island priority-controlled junctions. A new toucan crossing is proposed to the north of the Shinkeen Road junction to facilitate pedestrians and cyclist connectivity with existing facilities.
- 4.53 The proposed infrastructural works external to the application site boundary, as illustrated on the Proposed Site Layout Plan and engineering drawings, are located on lands within the Planning Authority's control and accordingly the final detailed design and implementation of these works will be subject to agreement with the Planning Authority and to be provided as a condition of a grant of planning permission. A letter of consent to the inclusion of these lands within the application is included with this application.
- 4.54 The imposition of such a condition on the grant of planning permission, i.e. to require works within the public road and footpaths on lands not within the applicant's control, is provided for under Section 34(4)(B) of the Planning and Development Act 2000, as amended, which relates to '*conditions for requiring the carrying out of works (including the provision of facilities) which the planning authority considers are required for the purposes of the development authorised by the permission*'

Vehicular Access Road

- 4.55 Provision is made for a local distributor road between Shinkeen Road and Dublin Road in accordance with the LAP. Provision has been made for 2 no, access locations to the reserved school site, as well as links to future phases of residential development on the KDA 2 lands.

Car Parking

- 4.56 The proposal includes 585 no. car parking spaces, comprising 474 no. spaces for future residents, 102 no. spaces for visitors and 9 no. spaces for the childcare facilities. An additional 4 no. loading bay parking spaces are also provided.

- 4.57 We refer to Section 5 and 6 for details in terms of compliance with the Development Plan / LAP and the Apartment Guidelines 2020. In summary, 2 no. car parking spaces (260 no. in total) are provided for each house in accordance with the Development Plan requirements. Whilst the development plan does not require visitor parking, a total of 37 no. visitor spaces are provided across the subject site. This includes 28 no. visitor spaces at site C in close proximity to the local park and proposed playground in this area, in recognition of visitors to the playground in addition for the houses.
- 4.58 In relation to the duplex / apartment units, provision is made for 214 no. car parking spaces for residents and 65 no. visitor parking spaces. It is recognised that this falls below the Development Plan requirements, however, this is justified in the context of the Apartment Guidelines 2020. The proposed parking fully accords with car parking requirements for development within a peripheral and/or less accessible urban location, which requires one car parking space per unit, together with an element of visitor parking.
- 4.59 A car parking management regime will be implemented to control access to the duplex / apartment car parking spaces.
- 4.60 In respect of the childcare facility, 9 no. car parking spaces are proposed. A lower rate of dedicated crèche car parking is proposed compared to the maximum development plan requirement (16 fewer spaces). This neighbourhood focussed crèche is expected to predominantly cater for future residents of the subject Phase 1 development, adjacent residential settlements and potentially residents of future Phases within the wider KDA2 lands within a convenient walking / cycle catchment. Accordingly, it is predicted that the number of children being dropped off / collected by car will be significantly lower than it would be for a standalone crèche facility and therefore the maximum provision of car parking for the proposed crèche facility would likely be underutilised if provided.
- 4.61 Provision is made for EV charging with 10% of apartments / duplexes and houses without on-curtilage parking spaces as per national policy. This equates to a total of 36 no. EV car parking spaces. It is expected that residents of the house units which benefit from in-curtilage parking can utilise their private power source for the charging of electric vehicles.
- 4.62 In terms of individual dwelling house which benefits from on-curtilage parking, whilst it is not proposed as part of scheme proposals to provide an EV charge point, the design of the house units will be specified to allow the easy future installation of an EV Charging Point as and when individual residents require. A dedicated circuit will be provided on the dwelling houses Consumer Unit with wiring / ducting to an external junction box on front/side of the dwelling house. This approach will allow purchasers to easily install an EV Charging Point with minimal disruptive works to the dwelling property and adjoining streetscape.
- 4.63 The subject development proposals include for a total of 10 no. disabled car parking spaces. A minimum of 1 disabled space per 25 standard spaces up to the first 100 spaces and 1 disabled space for every 100 spaces thereafter are to be provided. This equates to a minimum of 4 no. disabled car parking spaces (excluding the in-curtilage car parking spaces) within each of the sites plus 1 at the childcare facility.

Bicycle Parking

- 4.64 The proposed development includes provision for 748 no. bicycle spaces, comprising 110 no. short stay spaces and 466 no. long stay (on curtilage /storage) spaces. The

proposed 110 no. short stay cycle parking spaces is comparable to the Development Plan and the Apartment Guidelines 2020 requirements (both require 117 no. short stay spaces). The long stay cycle parking provision of 466 no. spaces is significantly higher than the Development Plan requirement in order to align with the requirements under the Apartment Guidelines 2020. The Apartment Guidelines recognise that a deviation from this standard shall be justifiable “*with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc*”. The Development Plan does not specify a rate of cycle parking for residential houses, nevertheless, the subject proposals include for 2 dedicated spaces within cycle stores per terrace house whilst semi-detached houses with a side access to rear gardens can benefit from cycle parking opportunities on curtilage.

Drainage

- 4.65 We refer to the Infrastructure Design Report for full details on the proposed drainage infrastructure. In summary, provision is made for surface water drainage, foul drainage and water supply connections to serve the proposed development, future residential phases and the proposed schools. Provision of a new foul water pumping station to serve both proposed and future demands of the KDA 2 lands is also included within the Phase 1 application.
- 4.66 In relation to foul water drainage, as the topography of the site is largely flat, a new strategic foul pumping station for the site and for future development lands will be provided. Therefore, a foul rising main and associated pumping station and rising main discharge (header) manhole is proposed to service the Phase 1 development and also accounts for the wider KDA 2 lands.
- 4.67 The proposed foul pumping station is to be located in the central area of the developed lands on the western side of the Shinkeen Watercourse (in accordance with the requirements of Irish Water Code of Practice for Wastewater Infrastructure) and constructed in accordance with Irish Water Standard Details. It will accommodate 24 hours of emergency storage as agreed with Irish Water. A rising main will pump forward flows to the proposed new gravity network on the Shinkeen Stream and discharge (header) manhole shall be located upstream of the new gravity network (constructed in accordance with Irish Water Standard Details).
- 4.68 The proposed foul drainage network comprises of a series of 225/300mm diameter pipes, discharging to the pumping station described above. Each residential unit is serviced by individual 100mm diameter connections in accordance with Irish Water’s Code of Practice for Wastewater.
- 4.69 A Confirmation of Feasibility from Irish Water has been received and is submitted with the application. Irish Water have confirmed a wastewater connection is feasible subject to upgrades. The Confirmation of Feasibility confirms that Irish Water’s Capital Investment Plan includes for projects in the Celbridge and Lower Liffey Valley Catchment which will provide long term strategic solutions and ensure sufficient capacity for the proposed development. Two such capital projects include the:
- Primrose Hill WwPS Project
 - New gravity sewer extension conveying flow from the edge of the site boundary along the Shinkeen Road and Hazelhatch Roads and to a proposed outfall manhole located upstream of Primrose Pumping Station
- 4.70 The Primrose Hill pumping station project is due to be complete in Q4 of 2023 while the gravity sewer upgrade is scheduled to be complete by 2025. Correspondence with

Irish water has been conducted to provide further details and timeframes for the delivery of the gravity sewer. The upgrade works can be delivered in a timely manner as they are to be delivered by or on behalf of Irish Water and whilst it would be preferential if the gravity sewer programme could be brought forward to match that of the Primrose Hill pumping station project, however, a programme of delivery for the gravity sewer by 2025 would be in line with the delivery of the first phase of units in the Ballyoulster SHD assuming a 6 month pre-construction phase and an 18 month construction time frame. This is discussed further below.

- 4.71 The proposed gravity sewer extension forms part of Irish Waters capital delivery programme and thus costs included as part of these capital works are included in the standard connection fee by applicants. DBFL have confirmed with Irish Water that no other planning or other third party consents are required to deliver the infrastructure.
- 4.72 In relation to water supply, the Confirmation of Feasibility from Irish Water confirms a water connection is feasible subject to upgrades. In order to accommodate this development, Irish Water have advised an upgrade is required on the existing network resulting in approximately 400m of new 200mm watermain extension approximately 3km away from the proposed development and the removal of an existing 150mm diameter sewer. The upgrade works will be carried out by Irish Water under their exempted development powers and will be paid for by the applicant. The upgrade works can be delivered in a timely manner, DBFL have confirmed with Irish Water that the upgrade works do not need planning permission and are located within public roads/verges. Following a grant of permission, Irish Water will confirm the cost the applicant is to pay, which is completed as part of the Connection Application process.
- 4.73 Surface water discharged from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated SUDS features and overland nature-based systems such as ponds, swales and detention basins. The proposed development includes a number of SUDS features including, tree pits, bio-retention areas and swales. Surface water runoff from the development will be attenuated to greenfield runoff rates in accordance with the Greater Dublin Strategic Drainage Study (GDSDS).
- 4.74 Surface water runoff from the site's road network will be directed to the proposed pipe network via conventional road gullies where there are no adjacent open green areas. Where there are open green adjacent areas surface water shall overflow into open green areas via strategically placed dropped kerbs where there will be bio-swales installed to collect the surface water while surface water runoff from driveways will be captured by permeable paving. Both of these features will be fitted with an overflow to drain into the main pipe network.
- 4.75 Surface water runoff from roofs will be primarily routed to the proposed surface water pipe network via the porous aggregates beneath permeable paved driveways (providing an additional element of attenuation). However, in some instances rain gardens will be provided at the backs of some properties to act as a form of attenuation and biodiversity.
- 4.76 The existing watercourses within the site to provide a suitable surface water discharge point for the proposed development. Surface water discharged from the proposed surface water drainage network will be controlled by a vortex flow control device (Hydrobrake or equivalent) and associated SUDS features and overland nature based systems such as ponds, swales and detention basins. Surface water discharge will also pass via a full retention fuel / oil separator (sized in accordance with permitted discharge from the site) and shall be restricted to 2.2l/s/ha.

Flood Risk

- 4.77 A revised Site Specific Flood Risk Assessment (SSFRA) prepared by McCloy Consulting is submitted with the application having regard to the Hazelhatch Flood Extents Study 2021. In summary, the site and surrounding area were part of the OPW's Eastern Catchment Flood Risk Assessment and Management Study (CFRAM) and were included in the 'Celbridge Fluvial Flood Extents' maps published in May 2017. However, the OPW 'Flood Maps' portal indicates that this CFRAM flood map 'information in this area is under review following an objection, submission and / or further information received.' The applicant was informed during the pre-application process by KCC that the CFRAM flood maps have now been superseded by flood mapping (dated September 2020 and published in 2021) as part of the 'Hazelhatch Further Study.' This was published on KCC's website in respect of the Hazelhatch Flood Relief Scheme.
- 4.78 To facilitate a better understanding of flood risk at the site and to inform the final scheme layout and design, detailed hydraulic modelling was undertaken by McCloy Consulting and is summarised in the SSFRA. The SSFRA has been prepared in accordance with the requirements of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and confirms a portion of the site at the southern side is located within Flood Zone A and Flood Zone B (primarily located in Site A, extending along the Shinkeen Stream north and into Site B) with the remainder of the site in Flood Zone C.
- 4.79 As result of the updated flooding information the development proposals have been significantly revised following the pre-application stage to ensure the proposals are developed in accordance with the Flood Zones on the site. The proposed residential development, the childcare facility and the proposed pumping station are located within Flood Zone C, whilst part of the access road, streets, parking and open space are located partly in Flood Zone's A and B. The proposed development is considered compliant with the Planning System and Flood Risk Management Guidelines, noting the development proposals for the site have been developed in accordance with the sequential approach to flood risk management to ensure that the proposed development is sited in appropriate flood zones, having regard to the classification of vulnerability of different land uses and types of development. The SSFRA report outlines there is no loss of floodplain and therefore compensatory measures are not required. The SSFRA demonstrates that subject to the proposed mitigation measures, the proposed development will not increase the risk of flood elsewhere, and that flood levels are reduced at a number of locations both on and off the site as a result of the proposed development. As part of the SSFRA, the Justification Test (as set out in 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009) has been applied and McCloy Consulting demonstrate how the Justification Test for Development Management is passed.

Waste Management

- 4.80 This pre-application request is accompanied by technical notes on the Operational Waste Management and Outline Demolition and Construction Waste Management prepared by AWN Consulting.
- 4.81 AWN have assessed the schedule of floor areas and site layout plans for the proposed development and established a baseline for the types of wastes that will be generated. The waste storage areas within the development have been strategically located and sufficiently sized such that they have sufficient space to allow segregation of waste into appropriately sized receptacles and minimal collection frequencies. AWN have

extensive experience in devising waste management strategies and providing design advise for similar residential developments.

- 4.82 AWN will prepare an Operational Waste Management Plan (OWMP) to accompany the planning application. The OWMP will provide details on the proposed waste management strategy for the operational phase of the proposed residential development.
- 4.83 AWN will prepare a Construction and Demolition Waste Management Plan (CDWMP) to accompany the planning application. The C&D WMP will follow the Guidelines published by the Department of the Environment and the National Construction & Demolition Waste Council for C&D Waste Management Plans (July 2006).

Phasing

- 4.84 We refer to the architectural drawing no. 20007-OMP-ZZ-PH-DR-A-1009 'Proposed Construction Phasing Plan' and the Design Statement prepared by OMP and the Infrastructure Design Report prepared by DBFL which provides details of the proposed phasing of development on the subject site. In summary, the proposed construction of the development has been split into three number distinct phases over a 5-year construction programme as per Figure 4.8 and Table 4.1 below.
- 4.85 The phases will allow the provision or upgrading of any external infrastructure and services to be provided on a phased basis, i.e. planned Irish Water upgrades, and provide an appropriate quantum of development and supporting infrastructure within each part of the overall scheme. This will also include any site enabling works. A seven year permission is sought for the development which has regard to the scale of development, likely timeframe for tendering and construction of each phase.

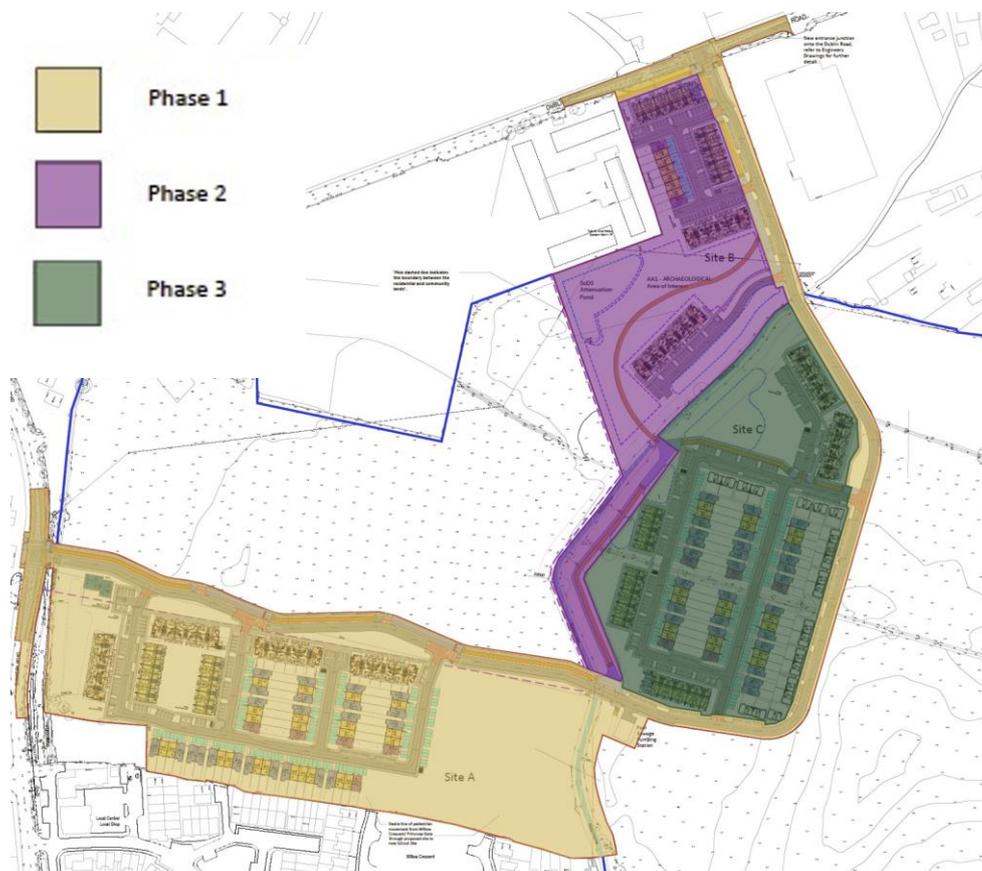


Figure 4.8: Proposed Phasing

- 4.86 It is proposed that Site A (131 residential units and the childcare facility) along with the local distributor road linking the Shinkeen and Dublin Road would be developed first. This would include the 3 number bridge crossings over the Shinkeen and Hazelhatch watercourses, the foul pumping station and associated infrastructure and the junction upgrades. During this period, it is anticipated that any field works in the area of archaeological interest would be undertaken. It is proposed this would be over a 24-month programme. This is aligned with the Irish Water upgrade works, including the Primrose Hill gravity sewer project which is due to be delivered by 2025. This would align with the delivery of the first phase of units on the subject lands, assuming grant of permission by Q4 2022 / Q1 2023, with the 6 month pre-construction phase to commence in 2023, followed by an 18 month construction time frame over 2023 to the end of 2024. First occupation in 2025 aligns with the completion of the Irish Water upgrade works.
- 4.87 The early delivery of infrastructure within the Phase 1 works, including the full extent of the local distributor road, also facilitates the key infrastructure to support the delivery of the lands reserved for the schools.
- 4.88 Phase 2 would consist of all housing units and associated infrastructure within Site B (71 residential units) and would include the pedestrian and cycle links along the riparian strip which join Sites A and B respectively. It is anticipated this would be over a 12-month programme.
- 4.89 The final phase (Phase 3) will consist of all housing and infrastructure works associated with Site C (142 residential units) and would be anticipated to be completed over a 24-month programme.

Table 4.1: Proposed Phasing and Key Supporting Infrastructure / Development

| | Key Supporting Infrastructure / Development |
|---------------------------------|---|
| Phase 1 (24 month programme) | <ul style="list-style-type: none"> • Site A comprising 51 no. houses and 80 no. apartment / duplex units and associated communal open space • Childcare Facility • Provision of 1 no. Local Park and Playground • Road upgrades, alterations and improvements to the Dublin Road and the Shinkeen Road, including construction of 2 no. signalised junctions and delivery of the local distributor road and associated pedestrian and cycle links • Proposed infrastructure provided up to the application site boundary to facilitate potential future connections to adjoining lands • Provision of associated site services (off site connections to be delivered by Irish Water prior to occupation – see Infrastructure Design Report prepared by DBFL Consulting Engineers) |
| Phase 2 (12 month programme) | <ul style="list-style-type: none"> • Site B comprising 8 no. houses and 63 no. apartment / duplex units and associated communal open space • Provision of 1 no. Local Park • Proposed infrastructure provided up to the application site boundary to facilitate potential future connections to adjoining lands • Provision of associated site services |
| Phase 3 (24 month programme) | <ul style="list-style-type: none"> • Site C comprising 71 no. houses and 71 no. apartment / duplex units and associated communal open space • Provision of 1 no. Local Park and Playground • Provision of associated site services |

4.90 The proposed phasing of development accords with the phases of development for the KDA 2 lands set out in Section 13.5.1 of the Celbridge LAP, which can be summarised as follows:

- The overall Ballyoulster SHD (Phase 1) application, with 344 no. units, does not exceed the number of units on the KDA2 lands (351) to be completed prior to the completion of improved pedestrian and cycle facilities on the existing Liffey Bridge;
- A childcare facility is proposed as part of the Phase 1 proposals, and can be completed prior to the commencement of dwelling no. 101 if considered necessary by the Board;
- The proposed Local Parks will be completed prior to the occupation of 351 no. units;
- A TTA is included with the application to demonstrate that there is sufficient capacity in the existing network to accommodate the proposed Phase 1 development on the KDA 2 lands

Social and Community Infrastructure

4.91 We refer to the Social and Community Infrastructure Audit / Assessment (SCIAA) which has been prepared in accordance with Objective CO2 of the Kildare County Development Plan 2017-2023 which requires a Social Infrastructure Audit to be submitted on residential schemes on zoned land which are greater than 50 units. In summary this confirms:

- The childcare facility and public open space proposed within the Phase 1 application meets the requirements of the LAP and future residents of the scheme.
- The extra demand created by the proposal for primary and post primary educational facilities will be relatively low in relation to current levels of local provision. Notwithstanding this, the north-western parcel of the wider KDA 2 lands are reserved for a new education campus and will accommodate modern education facilities for the town. Having regard to the estimated level of demand and the surrounding school capacity within close proximity of the subject site, it is considered that the existing and planned primary and secondary education infrastructure can accommodate the predicted increase in demand arising from the proposed development and is therefore adequate.
- There is a range of facilities for sports and recreation within a close proximity of the site and the proposed development will also deliver significant public open spaces and communal open space to accommodate the additional population that will be generated by the proposed development and future phases of development of the wider KDA2 lands.
- The health care, community, and other facilities are well represented within the catchment area of the site which are sufficient to cater for the needs of the additional population in the area which the proposed development will deliver.

4.92 Overall, based on the assessment of social and community infrastructure set out above, the extant provision in the surrounding area provides a good standard of amenity and accessibility to necessary infrastructure for future residents and the wider area.

Lands Reserved for the Educational Campus

4.93 The lands reserved for the Department of Education in relation to the provision of the 3 no. schools equate to 7.2ha in total. This also incorporates the lands that were previously identified in the LAP to extend the Donaghcumper Cemetery, which KCC

have since confirmed are not suitable for the cemetery extension, therefore increasing the extent of land for the schools than originally envisaged by the LAP from c. 6 ha to 7.2ha. Additional landscape buffers / ancillary open space areas between the boulevard, the lands reserved for the schools and the proposed residential development in Site A (these are not factored into the public / communal open space requirements for the residential development). The applicant has undertaken detailed discussions with the Department of Education regarding the proposals, and the Department have confirmed that they will meet any requirements for parking and set down areas within the lands reserved for the schools, and that the Department is supportive of the proposed access road and its delivery, noting it will provide important infrastructure to serve the school campus, including pedestrian and cycle links. As noted, a letter of support has been included to this effect.

5.0 NATIONAL AND REGIONAL PLANNING CONTEXT

5.1 The key provisions of national (including relevant Section 28 guidelines) and regional planning policy as it relates to the proposed development is set out in the following sections. The key policy and guidance documents of relevance to the proposed development are as follows:

- 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, DoHPLG);
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020, DoHPLG) (referred to herein as the Apartment Guidelines);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages (2009);
- Delivering Homes, Sustaining Communities (2008) and the accompanying Best Practice Guidelines – Quality Housing for Sustainable Communities;
- Childcare Facilities, Guidelines for Planning Authorities, (2001);
- Design Manual for Urban Roads and Streets (2019, DoTIS);
- Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009, DoEHLG);
- The Planning System and Flood Risk Management Guidelines, (2009);
- Transport Strategy for the Greater Dublin Area 2016 – 2035 (2016);
- Birds and Habitats Directive – Appropriate Assessment.

The National Planning Framework (NPF) 2018

5.2 The National Planning Framework is the Government's plan to cater for the extra one million people that will be living in Ireland, the additional two thirds of a million people working in Ireland and the half a million extra homes needed in Ireland by 2040.

5.3 The proposed development accords with the provisions of the National Planning Framework, which prioritise the delivery of new housing on lands which are within or continuous to existing urban areas, and which have access to relevant services.

5.4 The NPF (National Policy Objective 3a) seeks to influence the location of new housing development and future population growth and targets the location of 40% of new

- housing development within and close to the existing 'footprint' of built up areas over the lifetime of the framework.
- 5.5 The NPF (National Policy Objective 1b) plans and provides for growth of 490,000 to 500,000 people in the Eastern and Midlands region by 2040.
- 5.6 The NPF, under National Policy Objective 9, recognises that there is potential in each Regional Assembly Area for significant growth in some settlements (i.e. 30% or more above 2016 population levels). Subject to criteria including the provision of adequate infrastructure and amenities to support such growth, and concurrent employment provision.
- 5.7 The location of the proposed SHD within Celbridge, contiguous to the built up area of the town constitutes an opportunity for planned, compact and sustainable growth on an appropriately zoned site, which has strong physical and social infrastructure.
- 5.8 The proposed development also accords with and supports the delivery of several key objectives of the NPF including the following:
- ***“National Policy Objective 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.”***
 - ***“National Policy Objective 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.”***
 - ***“National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”***
 - ***“National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”***
- 5.9 Overall, the NPF actively seeks to foster stronger regions via the utilisation of existing residential zoned and serviced or serviceable lands such as the subject site. The objectives of the NPF, in particular NPO 3(a), 11, 33 aim to direct new homes at locations which can support sustainable development and can encourage more people and generate more jobs and activity in towns. The NPF also supports the increased residential density on in accordance with the principles of compact growth.

Regional Spatial Economic Strategy – Eastern and Midland Regional Assembly (2019-2031)

- 5.10 The Regional Spatial and Economic Strategy for the Eastern and Midlands Region is a strategic plan and investment framework to shape the future development of the region to 2031 and beyond. The principal function of the assembly is the delivery of a Regional Spatial and Economic Strategy (RSES), a new concept in Irish planning where not only the spatial but also the economic factors that go into the future of the region are brought together into one all encompassing strategy.

- 5.11 The RSES identifies Celbridge as a highly urbanised settlement within the wider Dublin Metropolitan Area (DMA). The Metropolitan Area Strategic Plan (MASP) sets out a strategy to achieve growth to 1.65 million people in the DMA by 2031 through the delivery of large scale strategic development areas. The guiding principles for growth in the DMA, as set out in the RSES, include promoting sustainable growth and accelerated housing delivery, in order to achieve high densities in urban built up areas, such as the subject site. It also seeks to focus growth along existing and proposed high quality public transport corridors, and to support the delivery and integration of Bus Connects and the Dart expansion.
- 5.12 The following Regional Policy Objectives are of relevance:
- RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.
 - RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.
- 5.13 The RSES also supports enhanced rail services included the extension of the DART to Celbridge-Hazelhatch.
- 5.14 The proposed development is located on a site which is contiguous with the built up area of Celbridge. It will act as an important catalyst for further development in a planned, sustainable manner, including providing the access road for the 3 no. new schools. The subject development seeks to provide for increased residential development on zoned lands and therefore is compliant with the overall policies and objectives of the RSES in this regard.
- 5.15 The subject site represents a landholding with immediate development potential and benefitting from the requisite supporting physical and social infrastructure. Having regard to the foregoing, the proposed Strategic Housing Development complies with the Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly.

Housing for All - a New Housing Plan for Ireland

- 5.16 "Housing for All - a New Housing Plan for Ireland" (hereinafter Housing for All") is the government's housing plan to 2030. Launched in September 2021, it is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The government's overall objective is that every citizen in the State should have access to good quality homes:
- to purchase or rent at an affordable price
 - built to a high standard and in the right place
 - offering a high quality of life

- 5.17 The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system. It is estimated that Ireland will need an average of 33,000 new homes to be provided each year from 2021 to 2030.
- 5.18 The policy has four pathways to achieving housing for all:
- supporting home ownership and increasing affordability
 - eradicating homelessness, increasing social housing delivery and supporting social inclusion
 - increasing new housing supply
 - addressing vacancy and efficient use of existing stock
- 5.19 The proposed development is consistent with the overall aim of Housing for All to accelerate social housing and build more an average of 33,000 homes per annum in the State between and 2030.
- 5.20 The proposed development provides for 344 no. new houses and duplex/apartments which will substantially add to the residential accommodation availability of the area and cater to the increasing housing demand. The proposed development will contribute to the quantum of new of social housing units available to the Council through the Part V agreement which is consistent with the objectives of Housing for All.

Rebuilding Ireland – Action Plan for Housing and Homelessness

- 5.21 Rebuilding Ireland was launched in 2016 with the objective to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021, while at the same time making the best use of the existing stock and laying the foundation for a more vibrant and responsive private rented sector.
- 5.22 Rebuilding Ireland is set around 5 no. pillars of proposed actions summarised as follows:
- Pillar 1 – Address Homelessness: Provide early solutions to address the unacceptable level of families in emergency accommodation; deliver inter-agency supports for people who are currently homeless, with a particular emphasis on minimising the incidence of rough sleeping, and enhance State supports to keep people in their own homes.
 - Pillar 2 – Accelerate Social Housing: Increase the level and speed of delivery of social housing and other State – supported housing
 - Pillar 3 – Build More Homes: Increase the output of private housing to meet demand at affordable prices.
 - Pillar 4 – Improve the Rental Sector: Address the obstacles to greater private rented sector delivery, to improve the supply of units at affordable rents.
 - Pillar 5 – Utilise Existing Housing: Ensure that existing housing stock is used to the maximum degree possible – focusing on measures to use vacant stock to renew urban and rural areas.
- 5.23 The proposed development is consistent with Pillars 2, 3 & 4 to accelerate social housing, build more homes and improve the rental sector. The proposed development provides for 344 no. new residential units which will substantially add to the residential accommodation availability of the area and cater to the increasing housing demand. The proposed development will contribute to the quantum of new of social housing units available to the Council through the Part V agreement which is consist with Pillar 2.

Sustainable Urban Housing: Design Standards for New Apartments; Guidelines for Planning Authorities 2020

- 5.24 The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (Apartment Guidelines 2020) were published in 2018 and updated in 2020. The guidelines provide for updated guidance on apartment developments in response to the National Planning Framework and Rebuilding Ireland.
- 5.25 A key inclusion in the guidelines is the acknowledgement of the importance of strategic sites in existing urban areas in close proximity to existing public transport facilities. The guidelines identify locations in cities and town that may be suitable for apartment development as follows:
- Central and/or Accessible Urban Locations
 - Intermediate Urban Locations
 - Peripheral and/ or Less Accessible Urban Locations
- 5.26 As set out in Section 2, whilst the site had good accessibility to public transport and proximity to the town centre, it falls just outside the criteria for an 'Intermediate Urban Location', and therefore is a 'Peripheral and/ or Less Accessible Urban Location'. The Apartment Guidelines note such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net), including sites in suburban development areas that do not meet proximity or accessibility criteria. The proposal provides a mix of houses and duplex apartments / apartments at a density of c. 35 uph and therefore is consistent with the guidance set down in the Apartment Guidelines 2020 for such locations.

SPPR 1 - Unit Mix

- 5.27 SPPR 1 states the following in relation to apartment mix:

“Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed developments as studios and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).”

- 5.28 The proposed development provides for 214 no. duplex/apartment units, comprising 54 no. 1 Beds (25% of all apartment/duplex units), 30 no. 2 Beds 4 Persons (14%) and 130 no. 3 beds (61%) which is compliant with SPPR 1 of the Apartment Guidelines.

SPPR 2 – Infill Development

- 5.29 The subject site is greater than 0.25 ha and therefore SPPR2 does not apply to the proposed scheme.

SPPR3 – Floor Areas

- 5.30 All of the proposed apartment units meet or exceed the minimum standards set out in the Apartment Guidelines 2020, as set out in the table below.

| Apartment | Guidelines Requirement | Range Proposed |
|-----------------------|------------------------|----------------|
| 1 bedroom (2 persons) | 45 sq.m | 51 sq.m |
| 2 bedroom (4 persons) | 73 sq.m | 81.8-95.6 sq.m |
| 3 bedroom (5 persons) | 90 sq.m | 105-117.7 sq.m |

- 5.31 The HQA confirms that the majority of apartment / duplex units exceed the minimum floor area by at least 10% required under the Apartment Guidelines 2020 and therefore a high quality of residential development is proposed.

SPPR4 - Dual Aspect Ratios

- 5.32 SPPR 4 of the apartment guidelines states that a minimum of 50% dual aspect apartments should be provided in in suburban or intermediate locations.
- 5.33 The proposed development provides for 100% dual aspect units in accordance with the Apartment Guidelines. A Housing Quality Assessment prepared by OMP Architects is submitted as part of this application which demonstrates compliance with the applicable standards.
- 5.34 Thus, there are no single aspect units north facing. The overall configuration of the buildings have been designed to achieve optimum levels of sunlight and daylight penetration into the apartments, along with access to sunlighting to open amenity spaces, while at the same time providing an appropriate density and building height on an infill site in a very accessible location. The daylight / sunlight assessment prepared by Passive Dynamics has been undertaken in close consultation with OMP Architects and resulted in a number of design iterations to maximise the daylight to individual apartment units. All duplex / apartment units achieve the minimum 2% ADF target as recommended in the BRE Guidelines.

SPPR5 - Floor to Ceiling Height

- 5.35 All apartments at ground floor provide for a minimum of 2.7m floor to ceiling height, with the levels above a minimum of 2.4m.

SPPR6 - Lift and Stair Cores

- 5.36 The proposed duplex / apartment blocks comply with the requirements under SPPR6, which allows for a maximum of 12 no. apartments per floor per core.

BTR/ Shared Accommodation

- 5.37 SPPR 7, 8 and 9 are not applicable to the proposed development as it is not a BTR nor shared accommodation development.

Other Relevant Standards

Living Dining Kitchen Area

- 5.38 The drawings and HQA prepared by OMP illustrate how the minimum living, dining, kitchen area requirements are met for all the units as per Appendix 1 of the 2020 Apartment Guidelines.

Bedroom areas/widths and aggregate bedroom floor areas

- 5.39 The drawings and HQA prepared by OMP illustrate how the bedroom area/widths and aggregate floor areas requirements are met for all the units as per Appendix 1 of the 2020 Apartment Guidelines.

Storage Space

- 5.40 The drawings and HQA prepared by OMP illustrate how the storage area requirements are met for all the units as per Appendix 1 of the 2020 Apartment Guidelines.

Private Amenity Space

- 5.41 As outlined above the proposed units have access to private amenity space which exceeds the minimum requirements as per Annex 1 of the 2020 Apartment Guidelines. Many units exceed the minimum standards.
- 5.42 Private amenity space is provided in the form of balconies/terraces which all meet or exceed the Apartment Guidelines standards for private open space.

Communal Amenity Space

- 5.43 The proposed development will provide for external communal spaces. The outdoor communal space is provided within [expand] and equates to 2,151 sq.m, exceeding the communal open space requirement of 1,650 sq.m.

Children's Play

- 5.44 The proposed development includes more than 100 units with two or more bedrooms. An adequate area of play space within the communal open space accords with the Guidelines requirement for a younger children and toddler play area (85-100sqm), and an natural play area within the public open space accords with the Guidelines requirement of play areas (200 – 400 sq. metres) for the specific needs for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms. The Landscape Design Statement outlines that c. 700 sq.m of play areas is provided in total across the site. Site A includes a play area of 160 sq.m within the courtyard, in addition to informal play opportunities, including kickabout space, across the remaining communal open space meeting the needs of younger children, toddlers and older children. The proposals also include a playground in Site A of c. 200 sq.m catering for all ages, and a playground in site C of c. 500 sq.m catering for toddlers and older children. Furthermore, the local park in Site A includes a fitness trail with gym equipment for older children.

Cycle Parking

- 5.45 A total of 452 no. bicycle parking spaces are provided for the apartment / duplex units, including 214 no. visitor spaces.
- 5.46 Table 17.10 of the CDP requires 214 no. long stay cycle spaces and 107 no. visitor spaces for the duplex/apartments, in addition to 10 no. spaces for the childcare facility, resulting in a total requirement of 331 no. cycle spaces. In respect of the Apartment Guidelines a total 611 no. cycle spaces are required (504 no. long stay and 107 no. short stay spaces).

- 5.47 The long stay cycle parking provision of 238 no. spaces is significantly higher than the development plan requirement, together with the significant visitor parking leans towards the Apartment Guidelines 2020 requirement. The apartment guidelines recognise that a deviation from this standard shall be justifiable *“with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc”*.
- 5.48 The Development Plan does not specify a rate of cycle parking for residential house units, nevertheless, the subject proposals include for 2 dedicated spaces within cycle stores per terrace house whilst semi-detached houses with a side access to rear gardens can benefit from cycle parking opportunities on curtilage.

Car Parking

- 5.49 The Apartment Guidelines also note the following in Peripheral and/or Less Accessible Urban Locations:

“As a benchmark guideline for apartments in relatively peripheral or less accessible urban locations, one car parking space per unit, together with an element of visitor parking, such as one space for every 3-4 apartments, should generally be required.”

- 5.50 The proposed development will provide for 214 no. resident car parking spaces to serve the residential element which results one car parking space per unit. An element of visitor parking is proposed with 102 no. spaces in total.
- 5.51 The proposed duplex/apartment buildings and units are suitably located on the subject site, integrated within the landscape and well connected to adjacent facilities including public transport, and will provide a high quality development on the subject site

Bin Storage

- 5.52 A specific Operational Waste Management Plan for the proposed development has informed the quantum of bin storage areas proposed as identified on the architectural drawings. The report illustrates that the proposed bin storage is sufficient to cater for the needs of proposed residents.

Urban Development and Building Height Guidelines 2018

- 5.53 The Urban Development and Building Height Guidelines 2018 (‘Building Height Guidelines’) set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040 and Regional Spatial and Economic Strategy for the Eastern & Midland Region.
- 5.54 Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR’s) of the guidelines in carrying out their function.
- 5.55 Section 9(3) of the Planning and Development (Housing) and Residential Tenancies Act, 2016 provides as follows:

“(3)(a) When making its decision in relation to an application under this section, the Board shall apply, where relevant, specific planning policy requirements of guidelines issued by the Minister under section 28 of the Act of 2000.

(b) Where specific planning policy requirements of guidelines referred to in paragraph (a) differ from the provisions of the development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

(c) In this subsection “specific planning policy requirements” means such policy requirements identified in guidelines issued by the Minister to support the consistent application of Government or national policy and principles by planning authorities, including the Board, in securing overall proper planning and sustainable development.”

5.56 SPPRs as stated in the Building Height Guidelines, take precedence over any conflicting, policies and objectives of development plans, local area plans. Where such conflicts arise, Section 9(3)(b) of the 2016 Act, as amended, provides that to the extent that they differ from the provisions of the Development Plan or Local Area Plans, the provisions of SPPRs must be applied instead.

5.57 Paragraphs 3.4 to 3.8 are of relevance and relate to building heights in suburban/edge locations:

“3.4 Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. Such developments also address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. These forms of developments set out above also benefit from using traditional construction methods, which can enhance viability as compared to larger apartment-only type projects.

3.5 The forms of development set out above can, where well designed and integrated, also facilitate the development of an attractive street-based traditional town environment with a good sense of enclosure, legible streets, squares and parks and a strong sense of urban neighbourhood, passive surveillance and community as in the case of the award winning Adamstown Strategic Development Zone in South Dublin County Council.

3.6 Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

3.7 Such development patterns are generally appropriate outside city centres and inner suburbs, i.e. the suburban edges of towns and cities, for both infill and greenfield development and should not be subject to specific height restrictions. Linked to the connective street pattern required under the Design Manual for Urban Roads and Streets (DMURS), planning policies and consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach, returning to traditional compact urban forms which created our finest town and city environments.

3.8 Where the relevant planning authority or An Bord Pleanála considers that such criteria are appropriately incorporated into development proposals, the relevant authority shall apply the following Strategic Planning Policy Requirement under Section 28 (1C) of the Planning and Development Act 2000 (as amended)."

5.58 SPPR 4 states:

"It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;

2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and

3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more."

5.59 The subject site is a greenfield / edge of town location for housing purposes, and the proposed density of 35.5 uph accords with the provisions of S. 3.4 of the guidelines which state newer housing developments should deliver medium densities in the range of 35 to 50 uph net.

5.60 The proposed development also accords with SPPR 4 of the Urban Development and Building Heights, Guidelines for Planning Authorities, as follows:

- It has been demonstrated above that the proposed density of 35.5 uph net accords with the minimum density for an outer suburban / greenfield site set out in the Sustainable Residential Development in Urban Areas Guidelines;
- The proposed development provides for a mix of building heights and typologies, ranging from 2-3 no. storeys in height, comprising of a mix of 1, 2 and 3 bed units.
- We refer to the architectural drawings and the Design Statement which demonstrate the proposed design does not consist of mono-type typologies, with a range of house types from houses, duplexes, and maisonettes.

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)

5.61 The role of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas is to ensure the sustainable delivery of new development throughout the country. The Guidelines focus on the provision of sustainable residential development, including the promotion of layouts that:

- Prioritise walking, cycling and public transport, and minimise the need to use cars;
- Are easy to access for all users and to find one's way around;
- Promote the efficient use of land and of energy, and minimise greenhouse gas emissions;
- Provide a mix of land uses to minimise transport demand.

- 5.62 The Sustainable Residential Development Guidelines also provide guidance on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines recommend that planning authorities should promote high quality design in their policy documents and in their development management process. In this regard, the Guidelines are accompanied by a Design Manual discussed below which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.
- 5.63 These Sustainable Residential Development Guidelines support a plan-led approach to development as provided for in the Planning and Development Act 2000. Section 2.1 of the Guidelines note that *'the scale, location and nature of major new residential development will be determined by the development plan, including both the settlement strategy and the housing strategy'*.
- 5.64 The Sustainable Residential Development Guidelines reinforce the need to adopt a sequential approach to the development of land and note in Section 2.3 *that 'the sequential approach as set out in the Departments Development Plan Guidelines (DoEHLG, 2007) specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities...'*
- 5.65 The proposed development is sequentially located adjoining existing development at the edge of Celbridge. It makes the most efficient use of the subject land increasing residential development in an existing urban area and providing for high density residential development in key location well served by existing and planned public transport and local services. The proposed development is therefore compliant with the Sustainable Residential Development Guidelines in terms of the sequential development approach.
- 5.66 Sustainable neighbourhoods require a range of community facilities, and each district/neighbourhood will need to be considered within its own wider locality, as some facilities may be available in the wider area while others will need to be provided locally. The proposed development is sequentially located in close proximity to local services with a wide mix and variety of uses in the surrounding area. The neighbourhood centre of St Wolston's Shopping Centre is in very close proximity to the site and includes a Super Valu, a fitness club, a medical centre and a pharmacy. The subject site is also within walking distance of the town centre with a large range of restaurants, cafes and other services/facilities such as churches, community centres, medical services and a library and so meets the test for sequential development. There are a number of sports and recreational facilities available in proximity to the site, including Celbridge Abbey Gardens, Celbridge GAA Club and Celbridge Football Club.
- 5.67 As explained, the subject lands are considered 'Outer Suburban / 'Greenfield' sites in the context of the densities required under the Sustainable Residential Development Guidelines.
- 5.68 Section 5.11 of the Sustainable Residential Development Guidelines recommends that *"These may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities.*

Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.”

- 5.69 The proposed development provides for a net density of 35.5 no. units per hectare net. Given the location of the site in close proximity to a number of surrounding services, including high quality existing and planned public transport services, existing local facilities and education and employment centres, that the proposed density on site is appropriate in this instance.
- 5.70 In addition to recommending appropriate densities, the Sustainable Residential Development Guidelines focus on the provision of sustainable residential development, including the promotion of layouts that:
- Prioritise walking, cycling and public transport, and minimise car use;
 - Are easy to access for all users and to find one’s way around;
 - Promote the efficient use of land and of energy, and minimise greenhouse gas emissions; and
 - Provide a mix of land uses to minimise transport demand.
 - Reduce traffic speeds in housing developments
- 5.71 The Sustainable Residential Development Guidelines also provide advice on the core principles of urban design when creating places of high quality and distinct identity. The Guidelines are accompanied by a Design Manual which demonstrates how design principles can be applied in the design and layout of new residential developments, at a variety of scales of development and in various settings.

Urban Design Manual – A Best Practice Guide (2009)

- 5.72 The proposed development also has regard to the advice set down in the ‘In Practice’ section of the Urban Design Manual (2009), which recommends the following approach:
- Development Brief: An analysis of the site has been carried out by OMP Architects. The proposed development has been designed to ensure that the proposed scheme is in keeping with the surrounding area while achieving the most sustainable residential densities. The proposed development has also had regard to the existing residential properties to the south and north east of the subject site.
 - Site Analysis: The characteristics of the subject lands and surrounding context have been established and potential linkages and vistas to adjoining lands have been analysed.
 - Concept Proposals: This application is accompanied by a Design Statement which outlines the concept design proposal. The Design Statement outlines the progression of the scheme design in terms of land use and density range, boundary conditions and connections which is discussed in greater detail below.
 - Pre-planning: 2 no. formal Pre – Planning discussions were held with Kildare County Council. Details of the formal S.247 meeting are included in Appendix 1 of this Statement of Consistency.
- 5.73 The Design Manual sets out a series of 12 criteria which it recommends should be used in the assessment of planning applications and appeals. The 12 criteria are

discussed in detail below. This application is accompanied by a Design Statement, prepared by OMP Architects, which demonstrates how the proposed development has regard to and has been developed in accordance with best practice in respect to urban design. The Design Statement should be read in conjunction with this Statement of Consistency and with the plans and particulars accompanying this submission.

Delivering Homes, Sustaining Communities (2008)

- 5.74 The Department's policy statement Delivering Homes, Sustaining Communities, Guidance provides the overarching policy framework for an integrated approach to housing and planning. The statement notes that demographic factors will continue to underpin strong demand for housing, which in turn will present considerable challenges for the physical planning of new housing and the provision of associated services. The quality of the housing environment is stated as being central to creating a sustainable community.
- 5.75 Sustainable neighbourhoods are areas where an efficient use of land, high quality design, and effective integration in the provision of physical and social infrastructure combine to create places people want to live in.
- 5.76 The Delivering Homes, Sustaining Communities policy statement is accompanied by Best Practice Guidelines entitled 'Quality Housing for Sustainable Communities'. The purpose of these Guidelines is to promote high standards in the design and construction and in the provision of residential and services in new housing schemes. They encourage best use of building land and optimal utilisation of services and infrastructure in the provision of new housing; point the way to cost effective options for housing design that go beyond minimum codes and standards; promote higher standards of environmental performance and durability in housing construction; seek to ensure that residents of new housing scheme enjoy the benefits of first-rate living conditions in a healthy, accessible and visually attractive environment; and provide homes and communities that may be easily managed and maintained.
- 5.77 This application is accompanied by a Housing Quality Assessment document prepared by OMP Architects which demonstrates the consistency of the proposed development with the relevant quantitative standards in the Quality Housing for Sustainable Communities document, the accompanying best practice guidelines and the Kildare County Development Plan where relevant.

Design Manual for Urban Roads and Streets (DMURS) (2019)

- 5.78 The Design Manual for Urban Roads and Streets (DMURS), 2019 sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. The DMURS Consistency Statement prepared by DBFL Consulting Engineers provides further detail in respect of the compliance of the proposed development with DMURS, which is discussed below also.
- 5.79 DMURS aims to end the practice of designing streets as traffic corridors, and instead focus on the needs of pedestrians, cyclists, and public transport users. The Manual sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. Incorporating good planning and design practice and focus on the public realm, it also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

- 5.80 The principal design guidance of DMURS has been considered in the design of the proposed development. As demonstrated in the DMURS Consistency Statement prepared by DBFL Consulting Engineers accompanying this application, the proposed development seeks to prioritise pedestrian and cyclists throughout and around the site in accordance with the policies set out in DMURS.

Guidelines for Planning Authorities on Childcare Facilities (2001)

- 5.81 Guidelines for Planning Authorities on Childcare Facilities (2001) ('Childcare Guidelines') indicate that Development Plans should facilitate the provision of childcare facilities in appropriate locations. These include larger new housing estates where planning authorities should require the provision of a minimum of one childcare facility with 20 places for each 75 dwellings. The threshold for provision should be established having regard to existing location of facilities and the emerging demography of the area where new housing is proposed. The Childcare Guidelines advise that sites should be identified for such facilities as an integral part of the pre-planning discussions.

- 5.82 The following definition of Childcare is included in the Childcare Guidelines:

"In these Guidelines, 'childcare' is taken to mean full day-care and sessional facilities and services for pre-school children and school-going children out of school hours. It includes services involving care, education and socialisation opportunities for children. Thus services such as pre-schools, naíonraí (Irish language playgroups), day-care services, crèches, playgroups, and after-school groups are encompassed by these Guidelines. Conversely childminding, schools, (primary, secondary and special) and residential centres for children are not covered by these Guidelines."

- 5.83 The Section 28 Apartment Guidelines states that:

"Notwithstanding the Department's Planning Guidelines for Childcare Facilities, which are currently subject to review and recommend the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision in apartment scheme should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile for the area"

- 5.84 The Apartment Guidelines also states that *"One bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms"*.

- 5.85 The proposed development provides for 344 units within the scheme. Discounting the number of 1 bedroom units there are 290 no. units which can accommodate families. Taking the above standard into account ($290/75 \times 20 = 77$) there is a requirement for 77 no. childcare spaces to be provided within the proposed development.

- 5.86 Furthermore, section 6.3.2 of the LAP sets out the availability of good quality and accessible childcare facilities and states that *'...It is considered that a rate of 20 childcare spaces per 150 dwellings represents an adequate level of provision in conjunction with new housing development'*.

- 5.87 Based on this, the recommended quantum of childcare places to be provided within the proposed development reduces to 39 no. places ($290 / 150 = 1.93 \times 20$). Based on the accepted industry average of c. 4-5 sq.m per child, this would equate to a requirement for a childcare facility of 156-195 sq.m.

- 5.88 The proposed development includes a childcare facility with a GFA of 369 sqm located on Site A to be delivered as part of Phase 1 of the proposed development. The childcare facility also includes an outdoor play area, with an area of 80 sq.m, in addition to 9 no. parking spaces. The childcare facility has been estimated as being capable of accommodation c. 74-92 childcare spaces children (based on a gross floorspace requirement of c. 4-5 sq.m per child).
- 5.89 Therefore, it is considered that this facility will be able to accommodate the demand for childcare spaces generated by the proposed development (of c. 39 to 77 no. places) with potential additional capacity to accommodate any demand in the surrounding area, which in any instance are already catered for by the other facilities in close proximity to the subject site, as outlined above.

Transport Strategy for the Greater Dublin Area 2016 - 2035

- 5.90 This strategy has been prepared by the National Transport Authority. The Vision of this strategy is for Dublin to be a competitive, sustainable city-region with a good quality of life for all by 2030.
- 5.91 The Transport Strategy includes five overarching objectives to achieve the vision which are as follows:
- Build and strengthen communities
 - Improve economic competitiveness
 - Improve the built environment
 - Respect and sustain the natural environment
 - Reduce personal stress
- 5.92 The Transport Strategy sets out measures to achieve the vision and objectives for the GDA. These include better integration of land use planning and transportation, consolidating growth in identified centres, providing more intensive development in designated town and district centres and control parking supply.
- 5.93 The Transport Strategy builds on previous strategies and investment programmes, and for this reason several major infrastructure schemes that are included in the government's Transport 21 investment framework are included in all of the strategy options.
- 5.94 The proposed residential development, which provides for a net density of 35.5 uph, adjacent to existing quality public transport and is consistent with the vision and objectives of the Transport Strategy for the GDA.
- 5.95 In addition to the above, the draft Transport Strategy for the Greater Dublin Area 2022-2042 was published in 2021. This document includes the DART + Programme and the proposals for DART + South West, with the electrification of the Kildare Line from Dublin Heuston to Hazelhatch-Celbridge. It states a Railway Order will be made in 2022.

Guidelines for Planning Authorities on 'The Planning System and Flood Risk Management (November 2009)'

- 5.96 The Planning System and Flood Risk Management Guidelines ('Flood Risk Guidelines') were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Act

2000 (as amended). The Flood Risk Guidelines require the planning system at all levels to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere; adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

- 5.97 A revised Site Specific Flood Risk Assessment (SSFRA) prepared by McCloy Consulting is submitted with the application having regard to the Hazelhatch Flood Extents Study 2021 and to ensure compliance with these Guidelines. In summary, the site and surrounding area were part of the OPW's Eastern Catchment Flood Risk Assessment and Management Study (CFRAM) and were included in the 'Celbridge Fluvial Flood Extents' maps published in May 2017. However, the OPW 'Flood Maps' portal indicates that this CFRAM flood map 'information in this area is under review following an objection, submission and / or further information received.' The CFRAM flood maps have now been superseded by flood mapping (dated September 2020 and published in 2021) as part of the 'Hazelhatch Further Study.' This was published on KCC's website in respect of the Hazelhatch Flood Relief Scheme.
- 5.98 To facilitate a better understanding of flood risk at the site and to inform future development, detailed hydraulic modelling has been undertaken by McCloy Consulting and is summarised in the FRA. The model results summarised in the report are intended to supersede existing flood maps / data and are fit for purpose for this assessment. The SSFRA confirms that the scheme layout and design addresses the requirements of the Planning System and Flood Risk Management – Guidelines for Planning Authorities (2009) and does not result of any flood risk on site or downstream as a result of the proposed development.

Birds and Habitats Directive – Appropriate Assessment

- 5.99 Under Article 6 (3) of the EU Habitat Directive, as transposed by Part XAB of the Planning and Development Act 2000 and S.I. No. 477/2011 any plan or project which has the potential to significantly impact on the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment.).
- 5.100 An AA Screening prepared by Altermar has been submitted with this application to the Board. The report concludes as follows:

“No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the settlement of silt over the intervening distance, particularly within the Leixlip Dam reservoir and dilution effect with other effluent and surface runoff, it is concluded that this development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site. There is no possibility of significant impacts on Natura 2000 sites, features of interest or site specific conservation objectives. A Natura Impact Statement is not required.

Accordingly, having carried out the Stage 1 Appropriate Assessment Screening, the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of objective scientific information that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on any European site.”

6.0 LOCAL PLANNING POLICY

- 6.1 The application site is located within the administrative boundary of Kildare County Council, and is subject to the policies, objectives and standards of the Kildare County Development Plan 2017-2023 (CDP) and the Celbridge Local Area Plan 2017-2023. 1 no. variation has been made to the CDP which is of relevance to the subject site.
- 6.2 An assessment of the proposed development and consistency with the relevant planning policy framework is considered below under the following headings.

KILDARE COUNTY DEVELOPMENT PLAN 2017-2023

Chapter 2- Core Strategy and Chapter 3- Settlement Strategy

- 6.3 On publication of the CDP in 2017, Celbridge was identified as a 'Moderate Sustainable Growth Town' within Table 2.2 of the Core Strategy relating to Settlement Hierarchy and Typology. The Core Strategy sets out the preferred development strategy focussed on achieving a critical mass in the metropolitan urban areas of Maynooth, Leixlip, Celbridge and Kilcock. The Core Strategy set out the RPG population targets for County Kildare, adjusted to quarter 1 of the 2023, with a population target of 253,600 and a housing target of 113,243 residential units. Section 3 'Settlement Strategy' and Table 3.3 of the Kildare County Development Plan 2017-2023 (CDP) allocated a housing figure of 3,250 new dwellings for Celbridge in the plan period to 2023.
- 6.4 These figures are reflected in the Celbridge LAP 2017-2013 which states that *'the Plan supports the achievement of the Core Strategy growth allocation of 3,250 units and incorporates a level of flexibility to meet demand over a 9 year horizon'*. The LAP identifies 121.2ha of land with a residential or mixed use zoning, with an estimate of 3,519 (approx.) residential units. The LAP identifies five no. Key Development Areas (KDAs) with capacity to accommodate significant growth over the LAP period, including the subject site located within KDA2, which is a greenfield site on the edge of the existing built up area of the town.
- 6.5 The CDP was subsequently varied on the 9th of June 2020 to align with the National Planning Framework (NPF) and the Eastern and Midlands Regional Spatial and Economic Strategy (RSES). The Core Strategy was updated to reflect that the growth strategy for the region included delivering sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategy Plan (MASP), which Celbridge is located within. The Settlement Hierarchy in Table 2.2 of the Core Strategy was updated

to reflect Celbridge as a 'Self-Sustaining Town' in accordance with the RSES. The preferred development strategy remained as the achievement of 'critical mass' in the MASP area, including Celbridge. The Core Strategy was updated to reflect the NPF Implementation Roadmap and RSES population projections for the County for the periods 2020-2026 and 2026-2031. The projections were adjusted to the end of the first quarter of 2023, to coincide with the life of the Plan. The population projection for County Kildare to the end of the Plan period is 238,993, giving rise to the need for 6,023 additional residential units by 2023.

6.6 Section 2.16.1 included the following relevant policies in relation to the Settlement Strategy:

- **CS 1** - Provide new housing in accordance with the County Settlement Hierarchy
- **CS 4** - Deliver sustainable compact urban areas through the regeneration of towns and villages through a plan-led approach which requires delivery of a least 30% of all new homes that are targeted in these settlements to be within their existing built up footprint

6.7 Under the Variation, the target housing figure for Celbridge set out in Section 3 'Settlement Strategy' and Table 3.3 was reduced to 603 new dwellings in the period of 2020-2023. The variation also set out that the provision of 1,406 new dwellings for Celbridge would be in line with projections under the NPF in the period ending in 2026.

Figure 6.1 Extract of Table 3.3 Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023

| Settlement Type | Towns / Villages | 2016 Census Pop | 2016 Dwellings | Allocated Growth (%) 2020-2023 | NPF 2026 Pop Growth in persons | NPF 2026 Pop Growth in housing units | Population Growth 2020 to 2023 (annualised from 2026 NPF Figures) ⁶ | Dwellings Target 2020 to 2023 |
|-----------------------------|-------------------------------|-----------------|----------------|--------------------------------|--------------------------------|--------------------------------------|--|-------------------------------|
| Key Town | Maynooth (MASP ⁷) | 14,585 | 5,171 | 10.9% | 4,291 | 1,533 | 1,839 | 657 |
| | Naas | 21,393 | 7,726 | 14.9% | 5,866 | 2,095 | 2,514 | 898 |
| Self-Sustaining Growth Town | Newbridge | 22,742 | 8,260 | 11.6% | 4,567 | 1,631 | 1,957 | 699 |
| | Leixlip | 15,504 | 5,524 | 10.2% | 4,016 | 1,434 | 1,721 | 615 |
| | Kildare | 8,634 | 3,158 | 4.7% | 1,850 | 661 | 793 | 283 |
| | Athy | 9,677 | 4,281 | 4.8% | 1,890 | 675 | 810 | 289 |
| Self-Sustaining Town | Celbridge | 20,288 | 6,969 | 10.0% | 3,937 | 1,406 | 1,687 | 603 |
| Sustaining Town | Kilcock | 6,093 | 2,212 | 4.0% | 1,575 | 562 | 675 | 241 |
| | Monasterevin | 4,246 | 1,706 | 2.6% | 1,024 | 366 | 439 | 157 |

6.8 Section 3.4.2 of the CDP encourages a sequential approach to the development of settlements where '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.' The proposed development of the subject site is consistent with the sequential approach, as the subject site is situated approximately 1.3km east of Celbridge Town Centre, adjacent to existing residential areas, established neighbourhood centres and existing transport services, social and community infrastructure and amenities. Importantly, the Ballyoulster KDA 2 lands will accommodate much needed education facilities and the owner of the site is in advanced discussions with the Department of Education with regard to the sale of c. 7.2 hectares of community and education zoned land, which are earmarked for a three school campus.

- 6.9 Taking into account the housing allocation as varied, we outline below how the Phase 1 development, which will be constructed over a c. five year period (with a currently anticipated opening year of 2024) accords with the settlement strategy and population projections for Celbridge, in addition to national and regional policy. This has been informed by a review of extant planning permissions for housing schemes of 5 units and over from the 1st of January 2020 to June 2022, in addition to a review of the delivery of residential units within Celbridge, having regard to a *'Report on Finished, Unfinished and Estates under Construction'* published by KCC Building and Development Control in December 2021. We refer to Appendix 1 for the breakdown of the figures. It was confirmed by KCC as part of the Stage 2 Tripartite meeting with An Bord Pleanála that the relevant date to include extant permissions is from the 1st January 2020.
- 6.10 The proposed 344 no. units would not in itself exceed the housing target for Celbridge (as varied) of 603 no. units in the period 2020-2023. However, it is recognised from a review of the extant permissions for Celbridge (comprising 949 no. units), as set out in Appendix 1 Table A2, that the number of permitted residential units in Celbridge do exceed the housing target for 2020 to 2023, albeit this assumes all units will be delivered by 2023 which as set out below is unlikely to be the case. Whilst the proposed development, subject to a grant of permission, will be occupied from c. 2025 onwards, i.e. during the lifetime of the next Development Plan when additional growth will be allocated to Celbridge.
- 6.11 Regard should be given to the fact that for the extant permissions the normal period of planning permission is five years and therefore it is unlikely that the number of houses that could be built before 2023 under the extant permissions would exceed 603. This is highlighted by a review of the number of units built to date from the extant permissions and the associated low delivery of units in Celbridge as a result. The KCC *'Report on Finished, Unfinished and Estates under Construction'* outlines that in December 2021, whilst 2 no. extant permissions were under construction (SHD Permission ABP Ref.: 306504-20 and S. 34 permission Reg. Ref.: 191282), there were no completed units on any of the extant permissions. Noting the units benefiting from planning permission within Celbridge have not been completed to date, this results in a significant shortfall in actual housing delivery. Applying the completed units as of December 2021 to the housing targets (as varied) results in a remaining unit allocation of 603 no. units to be delivered by 2023 and 1,406 no. units by 2026 (See Appendix 3 for a breakdown). Assuming the remaining permitted units will be completed by 2026, (as set out in Appendix 3) there would be a remaining residential allocation of c. 457 no. residential units to 2026.
- 6.12 It is recognised there is an undecided SHD currently before the Board (ABP Ref.: 312958-22) for 152 no. units on lands at Shackleton Road, Ballymakealy Upper, Celbridge, Co. Kildare. In the event that a decision to grant permission for this undecided SHD is made prior to a decision being made on the subject application, the remaining allocation would reduce to c. 305 no. residential units to 2026.
- 6.13 The proposed Phase 1 development at Ballyoulster is currently expected to be constructed over a five year period, with the opening year in 2024 and all remaining units complete by 2029. The provision of 344 residential units and the scale and form of development proposed is consistent with the settlement development aims of the Core Strategy, and the development of the subject site would be in line with Section 2.11.4 of the CDP (as varied) as it would consolidate growth and the delivery of infrastructure while balancing housing delivery. As set out in the accompanying application documentation the proposed Phase 1 development forms a comprehensive development, with good transport links that will deliver infrastructure, including the

access roads and junctions to the reserved school lands, in addition to the significant provision of Public Open Space. The proposed development would assist in meeting the housing shortfall to date, whilst also assisting in meeting the remaining housing allocation of up to 457 no. units to 2026.

- 6.14 Post 2026, the housing need in the area must still be met and it is submitted that the delivery of housing at appropriate locations must not be suspended or curtailed. As set out further below and in Section 4, national policy places a strong emphasis on ensuring the adequate supply of new housing development to meet existing pent up demand and housing need, and normal housing demand. The proposed development will help to deliver this key government policy objective.
- 6.15 Furthermore, and as discussed further below in relation to density, the proposed Phase 1 development of 344 no. units is only a small portion of the overall estimated capacity of 885 residential units identified for the KDA 2 lands within the Celbridge LAP. Table 4.1 of the LAP identified the total potential capacity of 885 no. units across the quantum of land for housing within the KDA 2 lands (c. 29.5 ha in total).
- 6.16 Policy SS4 of the CDP includes for a '*review of the zoning of land in instances where there is an oversupply of land for housing...*'. However, it is worth noting that there has been no change to the Celbridge LAP to reflect the housing allocation for Celbridge in Variation No. 1 and no change to the zoning objective of the application site. The LAP does not include any order of priority for the development of sites zoned for residential development in Celbridge. The LAP proposed phasing schedule is based on the number of dwelling units that may be permitted in each phase dependent on the provision of a pre-determined level of completed infrastructure, facilities and amenities to serve each phase. The LAP seeks '*to provide flexibility, the proposed phasing schedule is sequential (linked to housing output) rather than time specific*'. Section 12 of the LAP provides for 351 no. residential units in KDA2 as a first phase of development, which the subject proposals are consistent with, as discussed further below.
- 6.17 Notwithstanding the above and the fact that the development is intended to be built out over the period 2024-2029, the Statement of Material Contravention includes a justification, should the Board consider the proposal to be a material contravention of the population and housing unit allocation for the period 2020-2023 as set out in Table 3.3 of the current CDP.
- 6.18 The following Settlement Strategy policies are of relevance:
- *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 hierarchy of settlements set out in Table 3.1.*
 - *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.*
 - *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), Urban Development and Building Height Guidelines (2018) 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) including any updated*

guidelines and deliver at least 30% of all new homes that are targeted in settlements within their existing built-up footprint (defined by the CSO).

- 6.19 The proposed development is consistent with the above policies and objectives, as the subject lands are located in the self-sustaining town of Celbridge, which growth is directed in accordance with SS1 and SS2. The Design Statement demonstrates the scale and form is acceptable having regard to the relevant guidelines, and the proposed development of the subject site is consistent with the sequential approach, given the proximity to Celbridge Town Centre, and its location adjacent to existing residential areas, established neighbourhood centres and existing transport services, social and community infrastructure and amenities.
- 6.20 In relation to the above, the proposed development will provide a mix of uses with the overall subject lands which will create a new vibrant neighbourhood, as well as providing significant public open space and a permeable 'green sustainable transport network' which will allow for existing and future pedestrian and cycle connections through the subject site, which is in accordance with policies CS9 CS10 of the Kildare CDP.
- 6.21 With reference to CS11, the proposed development will deliver significant physical infrastructure with a wider planning gain to the town by providing new pedestrian and cycle links and significant open space. The wider KDA 2 lands will also accommodate education facilities for the town in a new campus environment, relocating some existing facilities and providing additional capacity to cater for recent and planned growth in the town.

Chapter 4 Housing

- 6.22 The following policies and objectives are included in the CDP in relation to Housing:

General Housing

- *HSO 2 Apply a 10% social housing requirement, pursuant to Part V of the Planning and Development Act 2000 (as amended) to all sites that are zoned solely for residential use, or for a mixture of residential and other uses.*
 - *HSO 4 Promote social integration and facilitate a diverse range of dwelling tenures within housing developments, including social housing within all Municipal District Areas of the county.*
 - *HSO 5 Build and support the delivery of new housing appropriate to the needs of the county in terms of the demand for social housing, the needs of older people, homeless people, students, people with disabilities and the Traveller community*
 - *HSO 8 Ensure that an appropriate mix of housing types and sizes is provided in each residential development.*
- 6.23 The proposed development accords with the general housing policies and objectives. Provision is made for 20% Part V, and the units are pepper potted across the site to ensure they are fully integrated. As set out in Section 7 below, an appropriate mix of housing is provided.

Sustainable Communities

- *HC 1 Support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.*

- *HCO 1 Have regard to the Quality Housing for Sustainable Communities – Design Guidelines, DEHLG (2007), which provide guidance on the efficient use of land, infrastructure and energy, the design and orientation of dwellings, the optimum use of renewable sources of energy and the use of scarce natural resources in the construction, maintenance and management of dwellings.*
 - *HCO 2 Encourage appropriate densities for new housing development in different locations through the local area plan process while recognising the need to protect existing residential communities and the established character of the area.*
 - *HCO 3 Ensure that all new urban development is of a high design quality and supports the achievement of successful urban spaces and sustainable communities.*
 - *HCO 4 Require the submission of a design statement with planning applications that incorporate 10 or more residential units*
- 6.24 Consistent with the above policies and objectives, the proposed development will provide 344 no. residential units, with supporting infrastructure, including a childcare facility and substantial areas of open space. The proposed access road and pedestrian and cycle links will benefit the wider residential communities.
- 6.25 The proposal provides a sustainable density of 35.5 uph net and an efficient use of zoned land. The density is consistent with the range of 35-50 units per hectare. As set out in the Architectural Design Statement, the layout proposes a high quality density and provides a series of character areas, along with sustainable pedestrian and cyclist connections.
- *HD 1 Ensure that all new residential development within the county is of high quality design and complies with Government guidance on the design of sustainable residential development and urban streets*
 - *HDO 1 Ensure that residential development contributes to the creation of sustainable communities in accordance with the requirements of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the companion Urban Design Manual- A Best Practice Guide, DEHLG (2009).*
 - *HDO 2 Ensure that residential development provides an integrated and balanced approach to movement, place making and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DEHLG (2013).*
 - *HDO 3 Encourage appropriate design and densities for new residential development while recognising the need to protect existing residential communities and the established character of the area. Where appropriate, local area plans may incorporate additional guidance in the form of design briefs for important, sensitive or larger development sites.*
 - *LD 1 Promote residential densities appropriate to its location and surrounding context.*
 - *LDO 1 Ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*
 - *LDO 3 Require higher residential densities at appropriate locations as set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).*
- 6.26 The proposed development accords with the above objectives. As set out in Section 5, the proposed development accords with national and regional policy in respect of development of housing and residential communities. The proposed development has

regard to the Quality for Sustainable Communities Design Guidelines and the Urban Design Manual.

- 6.27 We refer to the Architectural Design Statement which demonstrates the development is of high design quality and supports the achievement of sustainable communities.
- 6.28 We refer to the DMURS Consistency Statement prepared by DBFL which confirms the proposed development accords with the Design Manual for Urban Roads and Streets.

Mix of Dwelling Types

- *MD 1 Ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types*
 - *MDO 1 Require that new residential developments provide for a wide variety of housing types, sizes and tenures*
 - *MDO 3 Require that applications for residential or mixed use development with a residential element are accompanied by a Statement of Housing Mix, in accordance with Table 17.3, to address the mix of dwelling types proposed. The Statement of Housing Mix should demonstrate a need for such accommodation, based on local demand and the demographic profile of the area.*
- 6.29 The Design Statement confirms the proposed development accords with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual to support a variety of household types.
- 6.30 We refer to Section 7 below which provides a Statement of Housing Mix in accordance with Table 17.3 and demonstrates the proposed development provides for a variety of dwelling typologies and a variety of mix comprising 1, 2, 3 and 4 bed units.

Design and Layout

- *DL 1 Promote a high quality of design and layout in new residential developments and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development*
- *DLO 1 Create high quality living environments for residents in terms of individual dwelling units and the overall layout, design and function of the developments through the implementation of the standards set out in Chapter 17 Development Management Standards and the principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) and the companion Urban Design Manual – A Best Practice Guide (2009) and the Design Standards for New Apartments Guidelines for Planning Authorities (2015).*
- *DLO 2 Promote new residential developments that take account of energy efficient and renewable energy opportunities.*
- *DLO 3 Support dwellings that are designed to be sufficiently adaptable to enable people to live comfortably through different stages of their lives and changing household needs.*
- *DLO 4 Promote the carrying out of basic habitat assessments to inform the design of new developments in order to ensure that proposals for development integrate the protection and enhancement of green infrastructure, biodiversity and landscape features (including trees and hedgerows) where possible and minimise adverse*

impacts on existing habitats (whether designated or not), by including mitigation and/or compensation measures, as appropriate.

- *DLO 5 Develop typologies for adaptable housing types that meet the life cycle needs of communities having regard to CSO sociodemographic data*
- 6.31 The proposed layout is of high quality design and ensures a high quality living environment for residents. The relevant standards of Chapter 17 of the Development Plan are addressed further below.
- 6.32 An Energy Statement is submitted with the application which confirms the new residential development takes account of energy efficient and renewable energy opportunities.
- 6.33 The Architectural Design Statement confirms the dwellings are designed to be sufficiently adaptable to enable people to live comfortably through different stages of their lives.
- 6.34 We refer to the EIAR Biodiversity Chapter and the Landscape Design Strategy which demonstrates the design is co-ordinated in respect of green infrastructure, biodiversity and landscape features. The Biodiversity Chapter states that with the successful implementation of outlined mitigation measures to limit surface water impacts and biodiversity mitigation/supervision, no significant impacts are foreseen from the construction or operation of the proposed project. Residual impacts of the proposed project will be localised to the immediate vicinity of the proposed works.

Private and Semi-Private Open Space, and Public Open Space

- *OS 1 Ensure that all dwelling units have access to high quality, functional private open space that is carefully integrated into the design of new residential developments.*
 - *OSO 1 Ensure that all private open spaces for dwellings, apartments and duplexes are designed in accordance with the standards set out in the Guidelines for Planning Authorities on Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the companion Urban Design Manual – A Best Practice Guide (2009)*
 - *PS 1 Ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that enhances the visual character, identity and amenity of the area.*
 - *PSO 1 Ensure that public and semi private open space in new residential development complies with the quantitative and qualitative standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and in Chapter 17 of this Plan.*
 - *PSO 2 Ensure that there is a clear definition between public, semi private and private open space and that all public and semi private open spaces benefit from passive surveillance from residential development*
- 6.35 We refer to the Architectural Design Statement and Landscape Design Strategy for further detail. In summary and set out in Section 4, the proposed development provides private open spaces in the form of private rear gardens, terraces and balconies for all of the housing types in the scheme. All of the proposed apartments and duplexes meet the requirements as set out in the Apartment Guidelines in respect of communal and private open space. A clear hierarchy of open spaces is provided from 3 no. local parks, to play areas, and communal open space. The open spaces have been designed to allow for passive surveillance and overlooking of these areas as much as possible.

Archaeological Heritage

- 6.36 In respect of policy PS1, we refer to Chapter 4 of the EIAR which confirms the proposal does not include any direct works to a protected structure. A geophysical survey and a programme of archaeological testing was carried out for the subject site. The testing revealed 12 areas of archaeological significance. AA1 is the largest of the sites, representing the remains of part of the medieval settlement. Due to the scale and extent of the site, it is proposed to preserve the majority of this archaeological area in-situ within greenspace. The archaeological exclusion area will be established at construction stage in order to prevent inadvertent construction impacts. The small portions of the site to be impacted by the proposed development will be preserved by record. This will be carried out under licence to the National Monuments Service of the DoH/LGH.

Chapter 6 Movement and Transport

- 6.37 The proposed development has regard to the relevant policies and objectives set out in Chapter 6, and we refer to the Traffic and Transport Assessment prepared by DBFL Consulting Engineers for further details. In summary, we note:

- In accordance with MT4 and MT7, the proposed development provides significant improvements to the pedestrian and cycle networks, with pedestrian and cycle routes proposed through the site connecting Dublin Road to the Shinkeen Road. In addition, a 2m wide footpath and 2m wide cycle track is proposed within the site boundary on the southern side of the Dublin Road corridor. Should an alternative arrangement be preferred by KCC, this can be easily incorporated into the subject scheme due to the significant set back proposed at this location. In the interim (before a cycle scheme along the Dublin Road corridor is developed), the proposed cycle and pedestrian link through the subject lands offers a safe and attractive connection between the Dublin Road corridor and existing cycle facilities on Shinkeen Road which in turn link with the Dublin Road corridor.
- Furthermore, in respect of WC1, WC2, WC3, WC4, WC5, WC6 and WC 8 the proposed development provides improved connectivity. We refer to the DMURS Compliance Statement which outlines that the design of the street networks has taken on board the principles of DMURS and the National Cycle Manual. The TTA confirms secure cycle parking spaces have been provided for the apartments / duplexes in the scheme.
- In relation to the regional roads and local roads policies and objectives (including RS1, RS2, RR1 and RR2 and LR1, LR2, LR4, LR5, LR6, LR7), the proposals include alterations and improvements to the Shinkeen Road and Dublin Road, and the TTA and DMURS Statement confirms the proposed infrastructure works are in accordance with the relevant guidelines, including DMURS and the National Cycle Manual.
- The proposed parking accords with policies PK2, PK3, PK5 and PK7, and the TTA and Mobility Management Plan are submitted in accordance with policies TM1, TM4 and TM6.

Public Lighting

- *PL 1 Ensure street lighting is provided in accordance with Kildare County Councils "Street Lighting and Planning Guidance" policy document in either draft or adopted form. The document outlines the general principles and requirements for street lighting in the county.*

- *PL2 Ensure that all new developments are connected into the public footpath network and that adequate public lighting is provided.*
- *PL 3 Ensure that planned landscape planting takes cognisance of the need to protect the area surrounding street light installations to avoid possible adverse affects on the delivery of effective street lighting.*
- *PL 4 Ensure future street lighting installations are not adversely impacting on sensitive physical, environmental, natural and heritage resources within the county*
- *PL 6 Ensure that future street lighting provisions in the county will comprise 'white light' delivered by LED luminaries. The LED lights will provide greater colour rendering and provide sharper contrast and improved safety for road users.*

6.38 We refer to the Public Lighting Report and Drawings prepared by Waterman Moylan which demonstrates compliance with the above policies. The proposed lighting has been co-ordinated with the project ecologist and landscape architect to ensure it is integrated with biodiversity and the location of planting to ensure no adverse impacts.

Chapter 7 Infrastructure

6.39 The proposed development has regard to Chapter 7 and the relevant policies and objectives. We refer to the Infrastructure Design Report and accompanying engineering drawings for further details. In summary the following is noted:

- In respect of Policy WS4, the Infrastructure Design Report confirms that adequate water services will be available to service the development. This is supported by a Confirmation of Feasibility and Statement of Design Acceptance issued by Irish Water and included with the application.
- In respect of WS9, WS10, WQ1 in relation to water quality and Water Framework Directive we refer to the EIAR Biodiversity and Water Chapters.
- In respect of WW4 and WW8, separate foul and surface water drainage systems are provided and we refer to the DBFL IDR report.
- In accordance with SW1, the design includes SUDS measures to ensure the protection of surface water quality.
- In relation to SW2, SW5 and SW13, we refer to the Site Specific Flood Risk Assessment and section 3 of this report for further details. In summary, the proposed development is considered compliant with the Planning System and Flood Risk Management Guidelines, noting the development proposals for the site have been developed in accordance with the sequential approach to flood risk management to ensure that the proposed development is sited in appropriate flood zones, having regard to the classification of vulnerability of different land uses and types of development. As part of the SSFRA, the Justification Test (as set out in 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009) has been applied and McCloy Consulting demonstrate how the Justification Test for Development Management is passed.
- SUDS are incorporated into the design of the development in relation to SW8 and SW9.

6.40 In respect of the waste policy W7, we refer to the Operational Waste Management Plan prepared by AWN included in the application.

Chapter 11 Social, Community and Cultural Development

6.41 As set out in Section 4, a Social and Community Infrastructure Audit Assessment prepared by John Spain Associates is submitted with the application in accordance with the relevant policies and objectives of Chapter 11, including CO2. A childcare

facility of c. 369 sq.m is provided for within Site A, consistent with CPF2, CPFO1 and CPFO2.

Chapter 12. Architectural & Archaeological Heritage

6.42 The following policies and objectives in respect of architectural and archaeological heritage are of relevance:

- **AH 1-** *Manage development in a manner that protects and conserves the archaeological heritage of the county, avoids adverse impacts on sites, monuments, features or objects of significant historical or archaeological interest and secures the preservation in-situ or by record of all sites and features of historical and archaeological interest. The Council will favour preservation in – situ in accordance with the recommendation of the Framework and Principals for the Protection of Archaeological Heritage (1999) or any superseding national policy*
- **AH 2-** *Have regard to the Record of Monuments and Places (RMP), the Urban Archaeological Survey and archaeological sites identified subsequent to the publication of the RMP when assessing planning applications for development. No development shall be permitted in the vicinity of a recorded feature, where it detracts from the setting of the feature or which is injurious to its cultural or educational value.*
- **AH 3-** *Secure the preservation (in-situ or by record) of all sites, monuments and features of significant historical or archaeological interest, included in the Record of Monuments and Places and their settings, in accordance with the recommendations of the Framework and Principles for the Protection of Archaeological Heritage, DAHG (1999), or any superseding national policy document.*
- **AH 4-** *Ensure that development in the vicinity of a site of archaeological interest is not detrimental to the character of the archaeological site or its setting by reason of its location, scale, bulk or detailing and to ensure that such proposed developments are subject to an archaeological assessment. Such an assessment will seek to ensure that the development can be sited and designed in such a way as to avoid impacting on archaeological heritage that is of significant interest including previously unknown sites, features and objects.*
- **AH 5-** *Contribute towards the protection and preservation of the archaeological value of underwater or archaeological sites associated with rivers and associated features.*

6.43 We refer to Chapter 4 of the EIAR submitted with the application assesses the impact, if any, on the archaeology, architecture and cultural heritage resource of the proposed development. This confirms there are no archaeological sites located within the development area; however, there are three recorded monuments within 300m. The nearest of these sites consists of a ring-ditch (KD011-074), located c. 85m to the east-southeast. The archaeological zone of potential for the historic town of Celbridge (KD011-012001) is located c. 417m to the west. There are two protected structures located within 300m of the development area. The closest is a medieval church (RPS B11-02) located c. 185m west-northwest of the site. This is also a recorded monument (RMP KD011-013).

6.44 The EIAR Chapter confirms that a geophysical survey and a programme of archaeological testing was carried out for the subject site. The testing revealed 12 areas of archaeological significance. AA1 is the largest of the sites, representing the remains of part of the medieval settlement. Due to the scale and extent of the site, it is proposed to preserve the majority of this archaeological area in-situ within greenspace. An attenuation pond will be located to the northwest of the site and housing and car

parking to the immediate southeast of the site. Small portions of ditches associated with the site to the north and east will be directly impacted by ground works associated with the proposed development. The archaeological exclusion area will be established at construction stage in order to prevent inadvertent construction impacts. The small portions of the site to be impacted will be preserved by record. This will be carried out under licence to the National Monuments Service of the DoHLGH.

- 6.45 Due to the required layouts and density of the proposed development the remaining archaeological sites (AA2-7 and 9-12) will be directly impacted by ground works associated with the proposed development. Whilst it is acknowledged that the preservation in-situ of archaeological remains is indeed the best manner in which to conserve the archaeological resource, the required layout of the development means that the archaeological features and deposits within AA2-12 (excluding AA8 and 9) will be subject to archaeological preservation by record (prior to the commencement of construction). This will be carried out under licence to the National Monuments Service of the DoHLGH. Full provision will be made available for the resolution of the archaeological remains, both on site and during the post-excavation process.
- 6.46 In relation to objective AH5, the EIAR proposes an underwater archaeological assessment will be carried out along the path of the existing watercourse, where it will be affected by new crossing points. This will be carried out under licence to the National Monuments Service of the DoHLGH. Should any archaeological remains be identified, consultation will be required with the National Monuments Service of the DoHLGH as to whether preservation by record or in-situ is carried out.

Chapter 13 Natural Heritage & Green Infrastructure

- 6.47 The following policies and objectives in respect of national heritage are of relevance:
- *NH 1 Facilitate, maintain and enhance as far as is practicable the natural heritage and amenity of the county by seeking to encourage the preservation and retention of woodlands, hedgerows, stonewalls, rivers, streams and wetlands. Where the removal of such features is unavoidable, appropriate measures to replace like with like should be considered, subject to safety considerations.*
 - *NH 2 Promote the carrying out of basic habitat assessments to inform the design of new developments in order to ensure that proposals for development integrate the protection and enhancement of biodiversity and landscape features wherever possible, by minimising adverse impacts on existing habitats (whether designated or not) and by including mitigation and/or compensation measures, as appropriate.*
 - *NH 3 Require compliance with Article 10 of the Habitats Directive with regard to encouraging the management of features in the landscape which are of major importance for wild fauna and flora. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species.*
 - *NH 4 Support the conservation and enhancement of Natura 2000 Sites including any additional sites that may be proposed for designation during the period of this Plan and to protect the Natura 2000 network from any plans and projects that are likely to have a significant effect on the coherence or integrity of a Natura 2000 Site.*
 - *NH 5 Prevent development that would adversely affect the integrity of any Natura 2000 site located within and immediately adjacent to the county and promote favourable conservation status of habitats and protected species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive.*

- *NH 6 Ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.*
- *NH 8 Ensure that any proposal for development within or adjacent to a Natural Heritage Area (NHA), Ramsar Sites and Nature Reserves is designed and sited to minimise its impact on the biodiversity, ecological, geological and landscape value of the site, particularly plant and animal species listed under the Wildlife Acts and the Habitats and Birds Directive including their habitats.*
- *NH 9 Ensure the impact of development within or adjacent to national designated sites Natural Heritage Areas, Ramsar Sites and Nature Reserves that is likely to result in significant adverse effects on the designated site is assessed by requiring the submission of an Ecological Impact Assessment (EclA) prepared by a suitably qualified professional, which should accompany planning applications and council developments, as not all developments are likely to result in adverse effects.*
- *NH 11 Ensure that development does not have a significant adverse impact on rare and threatened species, including those protected under the Wildlife Acts 1976 and 2012, the Birds Directive 1979 the Habitats Directive 1992 and the Flora Protection Order species.*
- *NH 12 Ensure that, where evidence of species that are protected under the Wildlife Acts 1976-2012, the Birds Directive 1979 and the Habitats Directive 1992 exists, appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment. In the event of a proposed development impacting on a site known to be a breeding or resting site of species listed in the Habitats Regulations or the Wildlife Acts 1976 -2012 a derogation licence, issued by DAHRRGA, may be required.3.8*

6.48 Consistent with the above objectives, the proposed development maintains the internal hedgerows and trees as much as possible. To facilitate the proposed development, the removal of some trees/hedgerows which is unavoidable. It is considered that the proposed development does not materially contravene the Policy NH1, as the objective recognises that in some instances, the removal of such features is unavoidable, and in that scenario “*appropriate measures to replace like with like should be considered, subject to safety considerations*”.

6.49 The Landscape Plan includes additional planting. Chapter 5 ‘Biodiversity’ of the EIAR and the Arboricultural Assessment informed the design of the layout to integrate the existing trees and landscape features, including the Shinkeen Stream. Mitigation is provided, where required. The Arboricultural Assessment confirms that hedgerow removal has been kept to a minimum and mainly consist of short sections to facilitate the proposed development or associated infrastructure, or to allow for more appropriate boundary treatments. The loss of the above hedge vegetation is being mitigated against with the planting of trees, shrub and hedging as part of the landscaping of the completed development which will complement the development and its incorporation into the surrounding area. It will also help to provide good quality and sustainable long-term tree cover, and as it establishes and grows in size, it will be continuously mitigating any negative impacts created with the loss of the existing tree vegetation to facilitate the proposed development.

- 6.50 An Appropriate Assessment Screening Report prepared by Altemar is included with the application. This confirms:

“No Natura 2000 sites are within the zone of influence of this development. Having taken into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the settlement of silt over the intervening distance, particularly within the Leixlip Dam reservoir and dilution effect with other effluent and surface runoff, it is concluded that this development would not give rise to any significant effects to designated sites. The construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites.

This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 site. On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site. There is no possibility of significant impacts on Natura 2000 sites, features of interest or site specific conservation objectives. A Natura Impact Statement is not required.

Accordingly, having carried out the Stage 1 Appropriate Assessment Screening, the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of objective scientific information that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on any European site.”

- 6.51 The following policies and objectives in respect of green infrastructure are of relevance:

- *GI 1 Ensure the protection, enhancement and maintenance of Green Infrastructure and recognise the health benefits as well as the economic, social, environmental and physical value of green spaces through the integration of Green Infrastructure (GI) planning and development in the planning process.*
- *GI 7 Promote a network of paths and cycle tracks to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes respect and where possible enhances the ecological potential of each site.*
- *GI 8 Contribute towards the protection of and manage existing networks of woodlands, trees and hedgerows which are of amenity or biodiversity value and/or contribute to landscape character, and to strengthen local networks.*
- *GI 9 Ensure that proper provision is made for the consideration, protection and management of existing networks of woodlands, trees and hedgerows when undertaking, approving or authorising development.*
- *GI 10 Ensure a Tree Management Plan is provided to ensure that trees are adequately protected during development and incorporated into the design of new developments.*
- *GI 11 Ensure that hedgerow removal to facilitate development is kept to an absolute minimum and, where unavoidable, a requirement for mitigation planting will be required comprising a hedge of similar length and species composition to the original, established as close as is practicable to the original and where*

possible linking in to existing adjacent hedges. Native plants of a local provenance should be used for any such planting.

- *GI 13 Recognise the biodiversity and archaeological importance of townland boundaries, including hedgerows, and promote their protection and retention.*
- *GI 15 Encourage the protection of historic hedgerows or significant hedgerows which serve to link habitat areas to each other and the surrounding countryside.*
- *GI 16 Encourage the planting of woodlands, trees and hedgerows as part of new developments using native plants of local provenance.*

6.52 We refer to the Arboricultural Assessment prepared by Arborist Associates Ltd. This confirms that the proposed layout, services and boundary treatments have been informed by the tree assessment and Tree Constraints Plan to ensure the impact on the existing tree and hedge vegetation to be retained have been kept to a minimum. The report confirms that the objective of the proposed layout was to retain as much as possible the important tree and hedge lines, and the Arboricultural Assessment confirms this has been achieved successfully with only a small proportion of the tree and hedge vegetation to be removed to facilitate the proposed development. The Arboricultural Assessment confirms that for the tree and hedge vegetation proposed for retention, all necessary mitigation measures will need to be put in place in order to prevent or reduce impact to its very minimum. Mitigation measures used will need to include the erection of protective fencing at the very start of the works, ground protection installation within root zones where fencing cannot be erected to enclose the entire root zones, monitoring of the site works by the project Arboriculturist throughout the construction process and the use of tree friendly techniques and products for the construction process.

6.53 In respect of Objective GI13, the Arboricultural Assessment confirms that hedgerow removal has been kept to a minimum and mainly consist of short sections to facilitate the proposed development or associated infrastructure, or to allow for more appropriate boundary treatments. The loss of the above hedge vegetation is being mitigated against with the planting of trees, shrub and hedging as part of the landscaping of the completed development which will complement the development and its incorporation into the surrounding area. It will also help to provide good quality and sustainable long-term tree cover, and as it establishes and grows in size, it will be continuously mitigating any negative impacts created with the loss of the existing tree vegetation to facilitate the proposed development.

6.54 In respect of Objective GI15, Chapter 4 of the EIAR confirms that the proposed development area is located within the townlands of Ballyoulster and Donaghcumper. The townland boundary between Ballyoulster and Donaghcumper extends through the proposed development, delineated by a watercourse, which continues to the Liffey River to the north. The EIAR chapter confirms the boundary was established relatively recently, being marked first on the 1911 OS map. As such, the boundary does not possess the antiquity that many boundaries do in terms of cultural heritage significance. Notwithstanding this, the Chapter 4 of the EIAR confirms that the watercourse and townland boundary between Ballyoulster and Donaghcumper, which runs through the proposed development area will be retained, although it is proposed to cross the watercourse at three locations. An underwater archaeological assessment will be carried out along the path of the watercourse, where it will be affected by new crossing points. This will be carried out under licence to the National Monuments Service of the DoHLGH. Should any archaeological remains be identified, consultation will be required with the National Monuments Service of the DoHLGH as to whether preservation by record or in-situ is carried out. Furthermore, the EIAR Chapter 5 'Biodiversity' confirms that biodiversity elements have been incorporated into the

design including a strong and sensitive landscaped riparian buffer including the retention of hedgerows where possible.

- *GI 19 Require the submission of an Ecological Impact Assessment where deemed necessary by the planning authority (and where necessary an Appropriate Assessment in relation to Natura 2000 sites) including bat and otter surveys for developments along river, stream and canal corridors.*
- *GI 20 Maintain a biodiversity zone of not less than 10 metres from the top of the bank of all watercourses in the county, with the full extent of the protection zone to be determined on a case by case basis by the Council, based on site specific characteristics and sensitivities. Strategic Green Routes / Blueways / Trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments, as these routes increase the accessibility of the Green Infrastructure Network.*
- *GI 21 Ensure that expert advice is sought in developing lighting proposals along river, stream and canal corridors, in order to mitigate impacts of lighting on bats and other species.*
- *GI 22 Require that runoff from a developed area will not result in deterioration of downstream watercourses or habitats, and that pollution generated by a development is treated within the development area prior to discharge to local watercourses.*
- *GI 23 Contribute towards 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.*
- *GI 24 Consult, as appropriate, with Inland Fisheries Ireland in relation to any development that could potentially impact on the aquatic ecosystems and associated riparian habitats.*
- *GI 27 Require all new developments to identify, protect and enhance ecological features by making provision for local biodiversity (e.g. through provision of swift boxes or towers, bat roost sites, green roofs, etc.) and provide links to the wider Green Infrastructure network as an essential part of the design process.*
- *GI 30 Require multifunctional open space provision within all new developments; this includes provision for ecology and sustainable water management.*
- *GI 31 Promote and support the development of Sustainable Urban Drainage Systems (SuDS).*
- *GI 32 Promote and support the development of Sustainable Urban Drainage Systems (SuDS) such as integrated constructed wetlands, permeable surfaces, filter strips, ponds, swales and basins at a site, district and county level and to maximise the amenity and bio-diversity value of these systems*

6.55 As mentioned, Chapter 5 'Biodiversity' is submitted with the application, and includes a bat survey, and wintering and bird breeding surveys. The Biodiversity Chapter confirms that it would be expected that the ecological impacts in the long term would be minor adverse as the majority of the site will be built land. However, it continues that consultation has taken place with the landscape architect and Altamar and biodiversity elements have been incorporated into the design including a strong and sensitive landscaped riparian buffer including the retention of hedgerows where possible. The riparian buffer meets and exceeds where possible the minimum 10m from the top of the bank of the watercourses which complies with Inland Fisheries Ireland requirements. It also meets KCC requirements (GI 20 and GIO 1.6) requirements.

6.56 No alterations are proposed to the existing watercourses. The EIAR Biodiversity chapter states in relation to downstream impacts it is essential that the measures outlined in the EIAR are complied with, to ensure that the proposed development does

not have “downstream” environmental impacts. These measures are to protect the groundwater/surface water, which are potentially the primary vectors of impacts from the site. However, these measures are not necessary for the protection of Natura 2000 sites.

- 6.57 The proposal includes a series of open space areas, with native specific provided within the planting scheme. The proposed landscaping is fully co-ordinated in respect of public lighting and SUDs, which have been informed with input from the ecologist providing specialist advice confirming no roosts or potential roosts will be impacted, and that the foraging areas for bats bordering the woodland need to be protected from light spill during construction and operation.

Chapter 14. Landscape, Recreation and Amenity

- 6.58 The following objectives and policies in relation to the landscape are of relevance:
- *LA 1 Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of proposed development in the landscape will also be critical considerations.*
 - *LA 2 Protect and enhance the county’s landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.*
 - *LA 3 Require a Landscape/Visual Impact Assessment to accompany significant proposals that are likely to significantly affect:*
 - *Landscape Sensitivity Factors;*
 - *A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);*
 - *A route or view identified in maps 14.2 and 14.3 (i.e. within 500m of the boundary).*
 - *Policy LA 4 Seek to ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area, whilst providing for future development*
 - *LL 1 Recognise that the lowlands are made up of a variety of working landscapes, which are critical resources for sustaining the economic and social wellbeing of the county.*
 - *LL 2 Continue to permit development that can utilise existing structures, settlement areas and infrastructure, whilst taking account of the visual absorption opportunities provided by existing topography and vegetation.*
 - *LL 3 Recognise that this lowland landscape character area includes areas of significant landscape and ecological value, which are worthy of protection.*
 - *SR 1 Protect views from designated scenic routes by avoiding any development that could disrupt the vistas or disproportionately impact on the landscape character of the area, thereby affecting the scenic and amenity value of the views.*
 - *WV 3 Prevent inappropriate development along canal and river banks and to preserve these areas in the interests of biodiversity, built and natural heritage and amenity by creating or maintaining buffer zones, where development should be avoided.*
- 6.59 In accordance with the above objectives Chapter 6 ‘Landscape and Visual Impact’ of the EIAR comprises an assessment of the likely effects on the landscape and visual environment. In respect of LA1, the LVIA explains that the site falls into the Northern Lowlands Landscape Character Area. This is defined in Tables 14.1 and 14.2 of the KCDP as a Class 1 (Low Sensitivity) landscape, described as follows: “Areas with the capacity to generally accommodate a wide range of uses without significant adverse

effects on the appearance or character of the area". Additionally, the Northern Lowlands area is identified in Table 14.3 of the KCDP as having High Compatibility with Urban Expansion development.

- 6.60 The LVIA Chapter identifies the most important and valuable landscape features of the site are (a) the Shinkeen Stream, (b) the internal hedgerows along the stream banks and dividing the fields, and (c) the tree belt and stream inside the Shinkeen Road boundary.
- 6.61 The LVIA confirms that the Shinkeen Stream, would be incorporated into the open space/green infrastructure network of the new neighbourhood, with a 'riparian zone' of 10m to either side of the stream. This would improve its condition and context as both a landscape/open space asset and an ecological resource. Where existing hedgerows cross the site, these are proposed to be retained – as much as possible - as features within the open space network, giving structure to the new urban area (most notably in Site C), retaining their value as landscape assets. In summary, it concludes In summary, despite the change of land use from agricultural to urban/residential the proposed development would to a meaningful extent protect and in cases enhance the existing landscape features of the site.
- 6.62 It is not considered the proposed development will disrupt views from scenic routes and this is discussed further below in respect of section 10.3.2 of the LAP.

Open Space and Green Infrastructure

- 6.63 Chapter 14 includes the following additional policies and objectives in respect of open space and green infrastructure:
- *OS 2 Require the provision of good quality, well located and functional open space in new residential developments to cater for all age groups.*
 - *RA 4 Require the provision of recreational facilities concurrent with new residential developments as deemed necessary by the Council. Types of facilities to be provided will be dependent upon factors such as the size of a given development proposal and the availability of facilities (if any) in the area*
 - *GI 1 Facilitate and promote the development of green infrastructure which allows for the development of active and passive recreation and the protection and enhancement of heritage and landscape features.*
 - *GI 2 Make provision for habitat creation/ maintenance and facilitate biodiversity by encouraging the development of linear parks, nature trails, wildlife corridors and urban woodlands.*
 - *GI 3 Provide a hierarchy of high quality and multi-functional public parks and open spaces*
 - *CP 3 Seek the provision and suitable management of children's play areas in new housing developments and to implement measures to find suitable sites for their provision to serve existing residential areas.*
- 6.64 A total of 2.56 ha of public open space (excluding the riparian corridor) is proposed, representing 18% of the gross site area and 25% of the net site area. This accords with Policy OS1 and GI3 and the open space objectives which seek to provide high quality multi-functional public open space.
- 6.65 We refer to the Landscape Design Strategy which confirms the proposals make provision for the children's play areas, and also makes provision for habitat creation and promotes green infrastructure with active and passive recreation.

Chapter 17 Development Management Standards

- 6.66 The following paragraphs summarises and provides an evaluation of compliance with the relevant development management standards for residential development in Chapter 17 of the Development Plan.

Height

- 6.67 Section 17.2.1 of the CDP notes that in general, heights should respect the local streetscape. In towns, varied building heights are supported across residential, mixed use and town centre areas to support consolidation and to create a sense of place, urban legibility and visual diversity. The CDP outlines that the appropriate height will be determined by the prevailing height of the area, proximity to existing housing, and the formation of a cohesive townscape. Tall buildings are defined as “buildings that exceed five storeys and/or 15 metres.” The proposal consists of 2 and 3 storey buildings which are consistent with the surrounding context, thereby complying with the recommendations of the Development Plan.

Site Coverage and Plot Ratio

- 6.68 The proposal will result in a site coverage of 18% which is in accordance with the site coverage metric indicated by Section 17.2.2.
- 6.69 The plot ratio is C. 0.4 which is within the recommended plot ratio of between 0.35 and 0.5 in Section 17.2.3.

Overlooking / Separation Distances

- 6.70 The Kildare CDP outlines that *“in general, a minimum distance of 22 metres between opposing above-ground floor level windows is required for habitable rooms. In cases of innovative design where overlooking into habitable rooms does not occur, this figure may be reduced.”* The proposed development achieves the minimum distance of 22 metres between opposing above ground floor level windows for the majority of blocks and houses. Where the separation distances fall below 22m between opposing first floor windows, which is only in a few locations, the proposed design ensures overlooking into habitable rooms does not occur. Innovative unit types / design are proposed in this regard, for example because it is from the gable end of a block or houses or shallow house types that do not have habitable rooms to the rear at first floor level, high quality design and landscaping and/or the site context ensure privacy is maintained and there is no undue impact. Furthermore, where opposing windows are proposed first floor level and the separation distances are below 22m, obscure glazing windows are proposed to bathrooms / ensuite windows to ensure there is no perceived overlooking (e.g. See House Type D3 and D4).
- 6.71 The design, scale and height of the proposed development is sympathetic to the neighbouring properties in proximity to the site boundaries. The closest residential properties are located to the south of Site A within Primrose Gate. Further details are set out in the section drawings and Design Statement in respect to the relationship with these areas, however, as noted above the layout and building forms, combined with the landscape proposals and distance to the neighbouring properties, ensure there is no unacceptable impact in relation to overlooking. As discussed below, the Daylight, Sunlight and Overshadowing Assessment demonstrates that none of the surrounding properties assessed will experience a noticeable reduction in their vertical sky component as a result of the proposed development.

- 6.72 In all cases, the proposed houses and apartment/duplex blocks are substantially set back from the boundary with the lands reserved for the proposed schools.
- 6.73 We note that the Apartment Guidelines 2020, as supported by the National Planning Framework, supports a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes. It notes that *'general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location.'*
- 6.74 Thus, it is submitted that the proposed scheme results in an appropriate layout and relationship between blocks and houses for the subject site.

Overshadowing

- 6.75 Having regard to section 17.2.5 in relation to overshadowing, the proposed development is not of significant height, however it is recognised that there is existing development in close proximity to the site. We refer to the Daylight, Sunlight and Overshadowing Analysis prepared by Passive Dynamics Sustainability Consultants. This demonstrates compliance with the Lighting for Buildings Part 2 1992: Code of Practice for Day Lighting B.S. 8206 as required by the Development Plan, and other relevant / more recent standards.
- 6.76 The analysis sets out that the BS 8206-2:2008: Lighting for Buildings - Part 2: Code of practice for daylighting was recently replaced with EN 17037:2018 Daylight in Buildings. Comprehensive daylighting analysis has been completed using both standards, providing daylighting results in terms of Average Daylight Factor (based on previous British Standard – BS 8206-2) and Spatial Daylight Autonomy (based on current European Standard – EN 17037) and the National Annex within the British implementation of the European Standard (BS EN 17037). The sunlight component of this assessment has been carried out in accordance with existing BRE guidance (BR209). As set out in Section 4, during this transitional period given the new BRE Guidelines have only very recently been published, Passive Dynamics have carried out a comprehensive daylighting analysis using both standards, providing daylighting results in terms of Average Daylight Factor (based on previous British Standard – BS 8206-2) and Spatial Daylight Autonomy (based on current European Standard – EN 17037) and the National Annex within the British implementation of the European Standard (BS EN 17037). The Sunlight component of this assessment has also been carried out in accordance with both the standards where they differ in methodology.
- 6.77 On neighbouring properties, the VSC analysis carried out confirms that none of the surrounding properties assessed will experience a noticeable reduction in their vertical sky component result with the inclusion of the proposed development. Each window assessed meets the required VSC criteria as per the recommendation of the BRE Guide.

Soft and Hard Landscaping

- 6.78 We refer to the Landscape Design Strategy and accompanying landscape drawings prepared by Bernard Seymour Landscape Architects for further details on soft and hard landscaping in accordance with Section 17.2.6 and 17.2.7. The proposed planting includes provision of native plant trees and the proposals will enhance the overall appearance and biodiversity of the site whilst also contributing to the green infrastructure. Any trees and hedgerows to be removed are set out in the Arboricultural Assessment and accompanying drawings, with protective measures for any retained

trees. The Landscape Design Strategy also includes details on appropriate hard landscaping, including paving and street furniture.

Access to Land

- 6.79 In accordance with section 17.2.8, the proposed development has been designed to ensure it does not prejudice the provision of vehicular or pedestrian access or key infrastructural services. Development should be designed in such a fashion that it will not prejudice the provision of vehicular or pedestrian access, or key infrastructural services in adjoining lands. The proposal includes internal roads, cycle paths, footpaths, with proposed infrastructure and access points provided up to the application site boundary to facilitate potential future connections to adjoining lands.

Universal Access and Design Statement

- 6.80 The Design Statement (provided in accordance with Section 17.3) also provides confirmation on how the proposals have regard to universal access, to ensure that the proposed layout is accessible, understandable and usable to the greatest extent possible by all people, regardless of their age, size, ability or disability.

Residential Development

- 6.81 Section 17.4 of the Development Plan relates to residential development. In relation to development capacity and in accordance with section 17.4.1, the proposed development meets the requirements in respect of the need for land to be used economically, appropriate density, physical and social infrastructure, the adequacy of community facilities, residential amenity, transport matters and adequate parking, open space and planting. We refer to the suite of application documents which support this, including the Design Statement, TTA, Social and Community Infrastructure Audit, the Landscape Design Strategy and the Infrastructure Design Report.
- 6.82 Section 17.4.2 relates to density and this is discussed in Section 4 and in respect of housing mix this is dealt with in Section 7 of this report.
- 6.83 In respect of the layout and section 17.4.4, the architectural design statement provides the rationale for the development, and how it has a strong identity and sense of place, permeable layout, pedestrian and cycle infrastructure, a good sense of enclosure, active front and high quality materials.

Housing Standards

- 6.84 Section 17.4.5 of the Kildare CDP sets out quantitative minimum standards for new dwellings. The housing quality audit prepared by OMP provides a detailed breakdown of room sizes, unit sizes, private open space and storage space and the proposed development exceeds the minimum house sizes and private open space as they relate to the KCC Plan (Table 17.4 and Table 17.5).

Table 6.1: KCC Minimum Standards for Housing

| Unit Type | KCC Floor Area | Floor Area Proposed | KCC Storage Area | Storage Area Proposed | KCC Private Open Space | Private Open Space proposed |
|-----------|----------------|---------------------|------------------|-----------------------|------------------------|-----------------------------|
| Three Bed | 100 sq.m | 104.9 sq.m – 124.9 | 9 sq.m | 6.5 – 7.6 sq.m | 60 sq.m | 64.8-76 |

| | | | | | | |
|----------|----------|------------|---------|----------|---------|-----------------|
| Four Bed | 110 sq.m | 142.7 sq.m | 10 sq.m | 7.4 sq.m | 75 sq.m | 80.5 - 102.9 |
|----------|----------|------------|---------|----------|---------|-----------------|

6.85 It is acknowledged that the storage provided within the houses is below the recommendations in the Development Plan, however, the overall size of the proposed houses are greater than that outlined in the CDP, providing high quality dwellings, within a landscaped and well thought out design and providing other solutions to storage to be incorporated by the individual homeowner. Thus, the non-compliance with the storage standard for houses is not considered to be a material planning issue, as accepted by ABP in other SHD applications in Co. Kildare. Furthermore, the Housing Quality Assessment document prepared by OMP Architects demonstrates the consistency of the proposed development with the relevant quantitative standards, including storage, in the Quality Housing for Sustainable Communities document.

6.86 In addition to the above the dwelling design also has regard to the following requirements of section 17.4.5:

- Dual aspect is incorporated into all dwelling units
- Where possible, a minimum distance of 2.5m between semi detached and detached housing is provided
- Adequate provision is made for the storage and collection of waste
- Terraced houses are provided with cycle storage
- High quality boundary treatment proposals
- Usable private open space
- Any windows on the gable ends are not to habitable rooms, and therefore result in no unacceptable overlooking of the curtilage of adjoining dwellings

Apartment Developments

6.87 All apartment / duplex units proposed meet or exceed the minimum standards as set out in Appendix 1 of the 2020 Apartment Guidelines. This also accords with the requirements set out in section 17.4.6 of the Development Plan in relation to Apartment Developments, including:

- The proposed units meet and exceed the minimum floor areas, storage areas, private amenity space and communal space set out in Table 17.6 and Table 17.7 of the CDP
- The proposed units exceed the standards by a minimum of 10%.
- 100% of units are dual aspect
- Ground level floor to ceiling heights achieve the minim 2.7m and there are no north facing single aspect units
- All units are provided with private amenity space and all units have access to communal amenity space, including play spaces for smaller children
- Cycle storage areas are convenient to each unit
- The above is detailed within the accompanying Housing Quality Assessment prepared by OMP Architects.

Public Open Space

6.88 We refer to the Landscape Strategy Report for further details in respect of the public open space. In summary, the total public open space equates to 2.56ha in total, representing 18% of the gross site area and 25% of the net site area, exceeding the minimum requirement of 15% for greenfield sites as set out in Section 17.4.7 of the Development Plan. In addition, the POS has regard to the following requirements:

- As set out in the FRA, part of the site is located within Flood Zone A and B, however this public open space is fully usable as it is not envisaged it will be subject to repeated flooding
- It is confirmed that the provision of SUDS within the public open space does not exceed the maximum 10%
- We refer to the Landscape Strategy Report for further details, however the proposals have regard to the recommended qualitative standards of the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, (2009). This includes the proposals are designed to meet a range of user needs, with active and passive recreation. A local park is located within each character area to ensure it is accessible to all proposed homes, with the play areas carefully sited to ensure they are easily accessible and overlooked. A variety of spaces are proposed, whilst also allowing for shared use (particularly with the future school site adjoining), provides a range of natural habitats and is fully coordinated in respect of SUDs
- The proposed landscaping is fully integrated with the proposed pedestrian and cycle linkages, and further details in respect of hard and soft landscaping are set out in the Landscape Strategy Report and the accompanying drawings.
- The subject land is generally flat and therefor is suitable for its function as amenity / play areas
- The proposal includes natural play features
- The public open space with 3 no. local parks ensures it accessible to all units and it is overlooked by as many dwellings as possible and no houses back onto the public open space
- A range of uses are proposed and the landscaping proposals retain natural features, including trees, hedgerows and the streams
- Provision is made for the safe movement of pedestrians and cyclists

Car Parking

- 6.89 Car parking standards are set out in Table 17.9. of the Kildare CDP. The Development Plan notes that *“other than ‘Residential’, parking standards are maximum standards, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking.”*
- 6.90 In addition, the Development Plan states that *“The Council reserves the right to alter the requirements outlined below, having regard to the circumstances of each particular development.”* The Development Plan does not specify that residential parking outlined in Table 17.9 is a minimum standard. Car parking for non-residential development is noted as being a maximum standard. Table 17.9 indicates 2 spaces per house and 1.5 spaces per apartment with 1 visitor space per 4 apartments.
- 6.91 While the proposed parking provision for both the houses and childcare facility is compliant with the relevant Development Plan standards, it is noted that the development’s proposed car parking provision in respect of apartment and duplex units, is lower than that derived from the Kildare County Development Plan 2017–2023.
- 6.92 However, it is considered the ratio of 1.30 car parking spaces per apartment / duplex unit provides a balanced approach to the subject lands, having regard to its location and national objectives to reduce reliance on the private car as the primary mode of transport in line with the National Planning Framework and the Urban Housing: Design Standards for New Apartments 2020.

- 6.93 In the event that the Board considers that the proposed development constitutes a material contravention of 17.7.6 of the Development Plan by virtue of the proposed parking provision, a justification for the material contravention of the County Development Plan is included.
- 6.94 The proposed development provides 585 no. car parking spaces comprising 260 no. for the houses, 102 no. for the apartments/duplex units, 102 no. visitor spaces and 9 no. spaces for the childcare facility. 4 no. loading bays are also proposed. The proposal provides 2 spaces per dwelling which is considered appropriate. With reference to the apartments and duplex units the parking provision is based on the Apartment Guidelines 2020 for locations in “*peripheral and or less accessible locations.*”
- 6.95 A car parking management regime will be implemented by the development’s management company to control access to the on-site apartment / duplex car parking bays thereby actively managing the availability of on-site car parking for residents / visitors.

Cycle Parking

- 6.96 Cycle parking standards are set out in Table 17.10 of the Development Plan. In total provision is made for 770 no. cycle parking spaces which is significantly higher than the Development Plan Requirements of 1 space per apartment unit and 1 visitor space per 2 units, and for the childcare facility 1 space per 5 staff and 1 space per 10 children.

Transport

- 6.97 The proposed development has regard to the DMURS requirements and appropriate sightlines in accordance with section 17.7.1. A TTA is submitted in accordance with Section 17.7.3 and demonstrates the proposed accesses are appropriate and the new development will not adversely impact on the existing roads or the surrounding area.

Other Development Management Requirements

- 6.98 The proposed development has regard to the remaining relevant Development Management requirements, including:
- 17.4.11 Taking in Charge and Management Companies: A Taken in Charge drawing is submitted indicating the areas to be taken in charge. A building life cycle report is submitted for the apartment / duplex units, which has regard to the Multi-Unit Developments Act 2011.
 - 17.5 Childcare Facilities: A childcare facility of 369 sq.m is provided in accordance with the Childcare Facilities: Guidelines for Planning Authorities (DEHLG). This will be delivered in Phase 1 of the development and off street parking is provided. It is also located to the front of the estate as encouraged by the Development Plan.
 - 17.7.5 Street Lighting and Public Utilities: We refer to the Public Lighting Report which confirms compliance with the CDP requirements, and the Energy Report includes a section on utilities.
 - 17.8 Surface Water / Flooding:
 - We refer to the IDR which confirms the development includes proposals for restricting the rate of surface water run-off in accordance with the recommendations of the Greater Dublin Strategic Drainage Study (GSDS). It also includes measures for SUDS.

- A Site Specific Flood Risk Assessment is submitted with the application and has regard to the objectives and policies within Chapter 7 of the Development Plan, as set out above.
- An application to the OPW for the proposals include for new bridges over the watercourses will be submitted post receipt of planning permission and approval will be obtained prior to the commencement of the works, in accordance with Section 50 of the Arterial Drainage Act 1945 and the Planning System and Flood Risk Management Guidelines
- The Site Specific Flood Risk Assessment confirms it has been design to include the 1% AEP storm event and a 20% allowance for climate change.
- 17.10 Waste Disposal and Recovery: A Resource and Demolition Waste Management Plan is submitted with the application.

CELBRIDGE LOCAL AREA PLAN 2017-2023

6.99 The below section demonstrates how the proposed development is consistent with the relevant policies and objectives set out in the Celbridge Local Area Plan.

Chapter 4 Compliance with the Core Strategy

- *Policy CS1 – Core Strategy- It is the policy of the Council to support the sustainable long-term growth of Celbridge in accordance with the Core Strategy of the Kildare County Development Plan 2017-2023.*
- *CSO1.1: To support and facilitate sustainable intensification and consolidation in the town centre and in established residential areas.*
- *CSO1.2: To support new residential development in Key Development Areas (KDAs) in tandem with the delivery of supporting physical and social infrastructure.*
- *CSO1.3: To support economic and social development that is consistent with the role of Celbridge as a Moderate Sustainable Growth Town.*
- *CSO1.5: To support and facilitate development on zoned lands based on the policies and objectives of the Kildare County Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023.*

6.100 Consistency with the Kildare County Development Plan and the Core Strategy has been addressed above. Specific to the LAP, it identifies five no. Key Development Areas (KDAs) with capacity to accommodate significant growth over the LAP period, including the subject site located within KDA2, which is a greenfield site on the edge of the existing built up area of the town and therefore is consistent with the above objectives.

6.101 The proposed Phase 1 development of 344 no. units is only a portion of the overall estimated capacity of 885 residential units identified for the KDA 2 lands within the Celbridge LAP. Table 4.1 of the LAP identified the total potential capacity of 885 no. units across the quantum of land for housing within the KDA 2 lands (c. 29.5 ha in total). As demonstrated by the TTA, Social and Community Infrastructure Audit and the Infrastructure Design Report, the proposed development will be delivered in tandem with necessary supporting physical and social infrastructure.

Chapter 6 Housing and Community

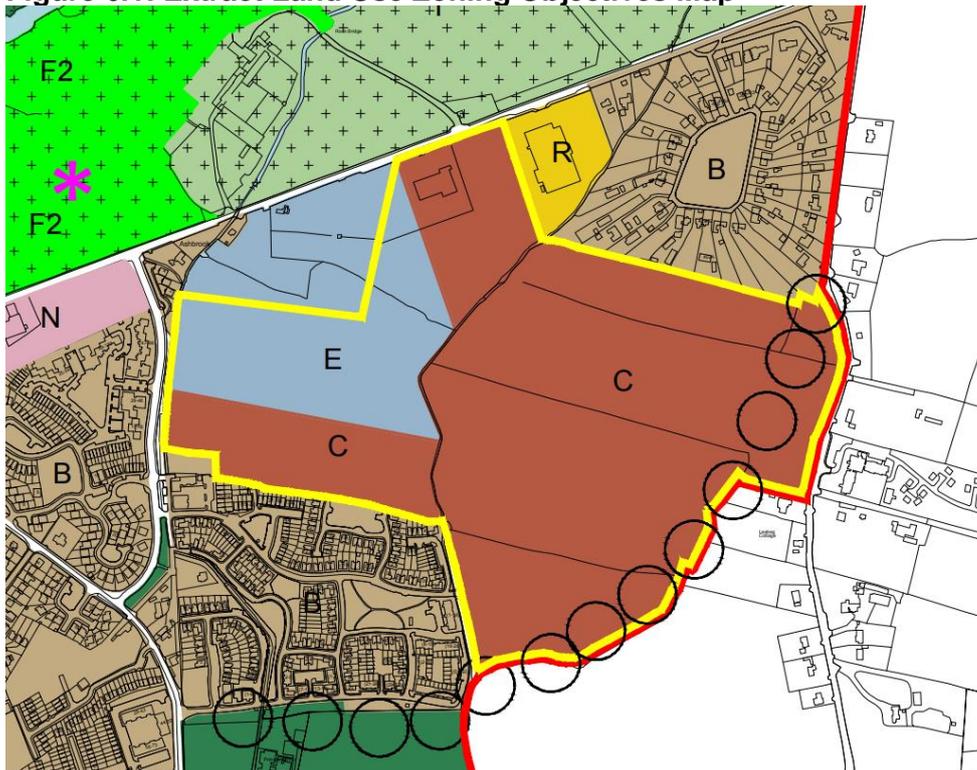
6.102 The following policies and objectives are of relevance from Chapter 6 'Housing and Community':

- *Policy RD1 - Residential Development: Capacity and Delivery: It is a policy of the Council to ensure that sufficient zoned land continues to be available at appropriate locations in Celbridge to satisfy the housing needs of the town and that each household has access to good quality housing that is appropriate to its circumstance.*
- *RDO1.1: To promote and facilitate the phased development of identified Key Development Areas in accordance with the guidance set out in Chapter 12.*
- *RDO1.2: To secure the provision of social infrastructure and community and recreational facilities in tandem with residential development, in accordance with the implementation strategy described in Chapter 13.*
- *RDO1.4: To focus the majority of new housing in Celbridge within walking or cycling distance of a school cluster, the town centre, neighbourhood centre or transport routes*

6.103 Further details are set out below, however in summary and consistent with the above objectives, the proposed development is located on zoned lands, identified as Key Development Area 2 – Ballyoulster. The proposed development has regard to the guidance set out in Chapter 12 in relation to KDAs and also provides required social and community infrastructure in tandem with the development in accordance with Chapter 13, as discussed further below. The SCIAA also demonstrates the proposed development is within close proximity to schools, the town centre, neighbourhood centres and transport routes.

Land Use Zoning

- 6.104 The subject land is primarily zoned ‘C: New Residential’ which seeks ‘*to provide for new residential development*’ and partly ‘E: Community and Educational’ with the objective ‘*to provide for education, recreation, community and health*’ as illustrated in Figure 6.1. The lands are identified within the Celbridge Local Area Plan 2017-2023 as part of a key development area ‘KDA 2 Ballyoulster’.
- 6.105 The lands zoned ‘E: Community and Education’ form the location for a new educational campus to provide 3 no. schools and associated development, being progressed separately by the Department of Education. The remainder of the KDA 2 lands will consist of residential and associated development, located on the ‘C’ zoned land, to be brought forward on a phased basis.
- 6.106 The proposed development is consistent with the Celbridge LAP Land Use Zoning Objectives Map and the Land Use Zoning Matrix set out in section 13.4 of the LAP, as discussed below.

Figure 6.1: Extract Land Use Zoning Objectives Map

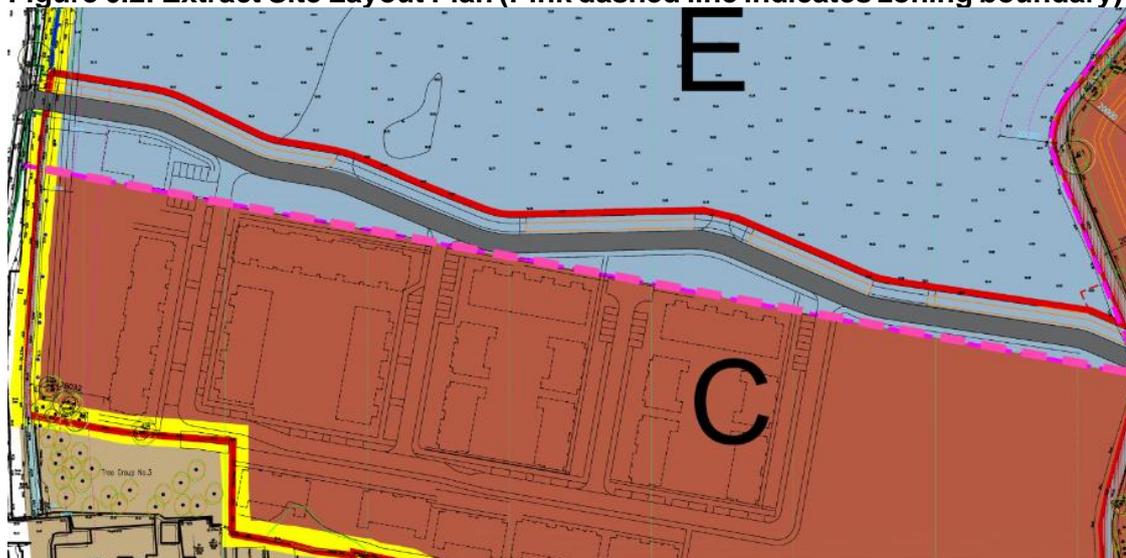
Source: Celbridge LAP

Residential Development and Childcare Facility

- 6.107 As illustrated in Figure 6.2 below, the proposed residential units and public open space are located solely on lands zoned 'C: New Residential' as per the Celbridge Local Area Plan Land Use Zoning Objectives Map. Both residential and the local park/playgrounds uses are permitted land uses within the 'C – New Residential' land use zone.
- 6.108 The proposed childcare facility is within Site A, on lands zoned 'E: Community and Educational'. Section 13.4 of the LAP confirms that a 'creche/playschool' use is a permitted in principle use within the 'E' zoning objective. The total proportion of the proposed application site which is subject to the 'E' Community and Educational land use zoning is 7% (0.92ha of 12.9ha of land in the applicant's control), and in addition to the childcare facility, it also includes part of the proposed access road.

Proposed Access Road

- 6.109 The proposed access road connecting the Dublin Road to the Shinkeen Road, referred to as 'The Boulevard', is located partly on lands zoned 'E: Community and Educational' (north of Site A), with the remainder on lands zoned 'C: New Residential' as illustrated in Figure 6.2.
- 6.110 The access road is c. 1,080 metres long from the junction on the Shinkeen Road to the junction on the Dublin Road, and c. 400m of the road is on the 'E' zoned lands. The alignment of the road has been informed by the design process and engineering requirements, providing a staggered junction to the Shinkeen Road, and reflecting DMURS, traffic calming, and the site conditions / surrounding area to achieve a sustainable development. The streetscape design will provide a dual cycle path, separated from the vehicular carriageway to create safe and accessible connections to the future schools, in addition to the residential development. Further details on this are set out in the Architectural Design Statement and the Traffic and Transport Assessment.

Figure 6.2: Extract Site Layout Plan (Pink dashed line indicates zoning boundary)

- 6.111 This proposed road is considered appropriate and in keeping with the land use zoning / KDA 2 objectives as the proposed access road is ancillary to the proposed residential development, it will serve the new residential development (including the currently proposed Phase 1 and future phases), the childcare facility and the lands reserved for the Department of Education / 3 no. schools, which are zoned objective 'E' and which do not preclude the delivery of an access road which will serve the schools and the adjacent residential development on such lands. The proposals include pedestrian and cycle links along the Boulevard to serve the schools and the residential development, and it also includes 2 no. access points to the school lands.
- 6.112 The uses which are not permitted in the E Zoning are listed in Table 13.3 in Section 13.4 of the LAP and do not include a land use which is equivalent to the proposed access road. The 'C' and 'E' land use zonings do not preclude the delivery of roads and associated infrastructure on such lands and it is submitted that the LAP envisaged both land use zonings as being appropriate to accommodate such infrastructure.
- 6.113 Furthermore, the proposed access road is ancillary to the proposed residential development and is not what might be termed as a 'primary' use which is in conflict with the 'E' zoning. In other words, ancillary infrastructure which will facilitate the residential development on the lands with the 'C' zoning does not necessarily materially contravene the 'E' zoning as it is a secondary or incidental use and will also facilitate future development in that 'E' zoning, and also facilitates access to the childcare facility which is a permitted use on the 'E' zoned land.
- 6.114 The proposed access road also accords with other objectives / guidance in the LAP, including the objectives and Design concept for Ballyoulster KDA2 lands, which states that vehicular access to this KDA should be provided from the Dublin Road, Shinkeen Road and the Loughlinstown Road and should provide for continuous routes through the KDA that connect to surrounding areas.
- 6.115 The location of the access road partly within the 'E' zoned lands will not impact on the delivery of the schools. It is highlighted that the land reserved for the schools encompasses a larger area than identified in the LAP (increased from c. 6 ha to 7.2ha), incorporating lands previously identified to extend the cemetery. This increase of 1.2ha for the school lands is in excess of the area of the 'E' zoned lands (0.9ha) within the

application boundary for the Phase 1 proposals. Therefore, there is no net loss of area for the schools from that envisaged by the LAP. The LAP is also clear that the site layouts for residential development on the KDA 2 lands should seek to fully integrate the identified primary and post primary school sites. Engagement with the Department has been ongoing to ensure the proposals align and as set out in Section 3, a letter from the Department confirms their support for this important infrastructure and also notes that the lands reserved for the schools is sufficient to meet their current requirements and potential for further expansion/capacity if necessary.

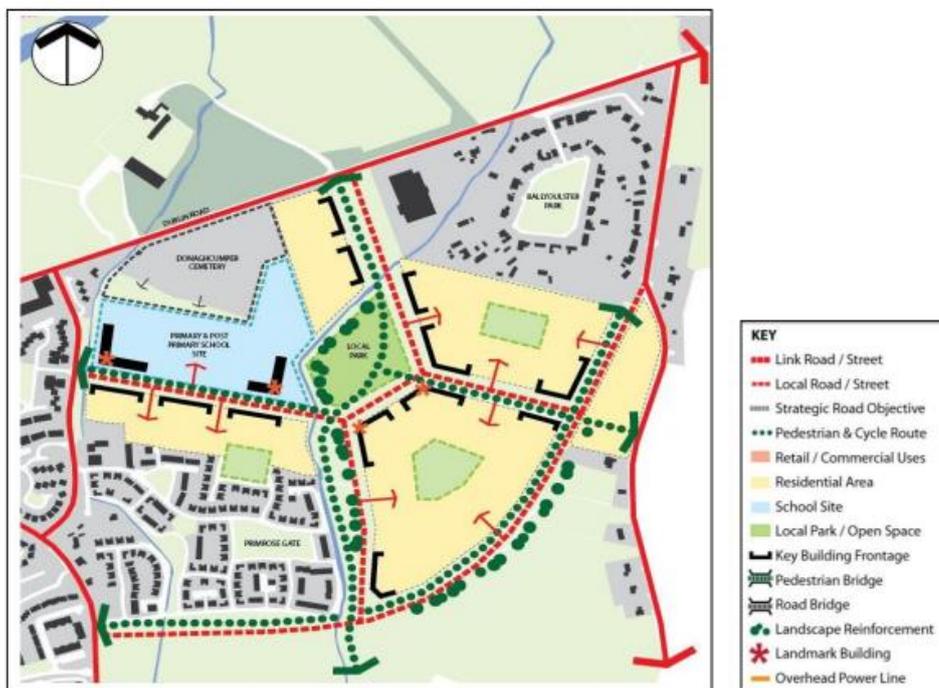
6.116 A legal opinion has been obtained to confirm that the link access road which will facilitate the proposed Phase 1 residential development and connect the site from the Dublin Road to the Shinkeen Road will not contravene materially the land use zoning objectives in the Celbridge Local Area Plan 2017-2023 and confirms that the proposed development is acceptable in principle, given the zoning objectives in the LAP. The legal opinion, provided by David Browne BL, is included as appendix 1 to this report. This confirms that:

- The starting point is the interpretation of the Celbridge LAP to determine whether the E zoning permits the proposed access road. That issue can be determined by considering the land use zoning matrix in Section 13.4 of the LAP.
- The LAP states that uses other than the primary uses for which an area is zoned may be permitted provided they are not in conflict with the primary use zoning objective.
- The uses which are not permitted in the E zoning are listed in Table 13.3 in Section 13.4 of the LAP and do not include a land use which is equivalent to the proposed access road. An ordinary reading of Section 13.4 could infer that the proposed access road is not in conflict with the stated land uses and would be acceptable in principle and therefore not in material contravention.
- The proposed access road is ancillary to the proposed residential development and is not what might be termed as a 'primary' use which is in conflict with the E zoning.
- The proposed access road will serve a dual purpose of facilitating the residential development on the lands with C zoning which are being developed on a phased basis and the lands with E zoning which the Department will develop and which are reserved for that purpose.
- It concludes the proposed access road is not a material contravention of the lands with the E zoning and the Board is not precluded from granting permission for the proposed development under S. 9(6)(b) of the 2016 Act.

6.117 Overall, the proposed residential development, in addition to the access road, childcare facility and the public open space accord with the land use zoning objective, the zoning matrix set out in Section 13.4 of the LAP and the objectives for the KDA 2 lands at Ballyoulster. Therefore, the principle of development is considered to be acceptable.

Key Development Area 2 - Ballyoulster

6.118 Section 12.2 and section 12.2.2 of the LAP sets out a Design Brief for the KDA 2 Ballyoulster lands. Figure 12.1 sets out a Design Concept for the lands, which includes a central local park.

Figure 6.3: Extract of Design Concept (Figure 12.1) in the Celbridge LAP

6.119 It is acknowledged in the LAP (Section 12.2) that the design briefs set out for the KDA's (including KDA 2) set out broad parameters for the future development of these areas. It states *'While principal access points and connections, key building frontages and public spaces should generally be regarded as fixed requirements, a degree of flexibility can apply. For example, access points from the main road network and key connections within the KDA will be required but the actual position of each connection could be altered subject to appropriate traffic safety considerations. Key building frontages may be varied where it is demonstrated that there is a strong urban design rationale and that passive supervision of public spaces is not compromised.'* (Emphasis added).

6.120 The Design Concept informed the 'Development Strategy' for the overall landholding and in turn the initial site layout proposals for the Phase 1 lands, however, updated flood maps from the Hazelhatch Flood Extent Study and the findings of archaeological investigations (particularly to the north of the site) impacted on the layout and extent of the developable area on the site. Given the constraints of archaeology and flooding, the scheme architects, OMP, prepared an amended Design Concept diagram which is set out in the Design Statement submitted with the application, as illustrated in Figure 6.4 below.

Figure 6.4: OMP Amended Design Concept



- 6.121 The key change to the design concept is in respect of the open space strategy, which provides a necklace of local parks within each character area, rather than a central local park. However, it is considered the revised Design Concept continues to deliver on the objectives and design brief set out in Section 12.2.2 of the LAP in respect of the vision, connectivity / movement, built form, landscape and spaces. In particular, it delivers on the design brief to incorporate *'the Shinkeen Stream as a landscape feature that includes a continuous pedestrian and cycle link along its bank, structured around a variety of open spaces that provide for both active and passive recreation, with the retention of existing mature trees and the planting of new trees along the Ballyoulster/Loughlinstown townland boundary.'*
- 6.122 This revised design concept was then used to guide the revised proposals for Phase 1, which includes 3 no. local parks, in addition to communal open space. The proposed public open space (i.e. the local parks) equates to 2.5 ha in total, representing 18% of the gross site area and 25% of the net site area. This meets and significantly exceeds Section 17.4.7 of the Development Plan, which requires for greenfield sites, such as the subject site, a minimum 15% of the total site area as public open space, thereby demonstrating that it will also cater for future phases of development on the KDA 2 lands as envisaged by the LAP.
- 6.123 Furthermore, the proposed layout continues to respond to all other key objectives from the design brief, including:

- **Vision:** It is consistent with the vision to provide for the development of a new residential neighbouring, including primary and post primary schools and a local park that integrates with its surrounding, whilst having its own unique character and a strong sense of place.
- **Connectivity / Movement:**
 - It continues to reflect the Design Concept in respect of the principal access points from the Shinkeen Road and the Dublin Road, noting the final position of the junctions and the internal road have been informed by engineering requirements, as set out in the Traffic and Transport Assessment prepared by DBFL Consulting. This also provides a continuous route through the KDA 2 lands that connects to surrounding areas, with a road connection from the Loughlinstown Road to the R405/Hazelhatch Road also planned in the longer term and which the proposals do not impede.
 - It provides a permeable network of pedestrian and cycle friendly streets and spaces that incorporate existing site features, such as the Shinkeen Stream and existing mature trees.
- **Built Form:**
 - As set out in the Architectural Design Statement the proposals reflect the established pattern of development in the area and integrate with the lands reserved for the primary and post primary schools.
 - A mix of housing types are proposed in buildings that range from two to three storeys in height.
 - Landmark / feature buildings are provided for legibility and to reinforce the proposed hierarchy of streets and spaces.
- **Landscape and Spaces:**
 - The Shinkeen Stream is incorporated into the proposed landscape. A continuous pedestrian and cycle link is provided as close to the bank as possible, whilst ensuring it protects the riparian corridor. The proposed landscaping and green links will enhance the ecological value of the stream.
 - The residential areas are structured around a series of open spaces which provide for both active and passive recreation.
 - The Ballyoulster / Loughlinstown townland boundary does not form part of this application and relates to future phases. However, we refer to the landscape proposals which demonstrate the proposals provide for the retention of existing mature trees and planting of new trees as much as possible.

6.124 In the event that the Board considers that the proposed development constitutes a material contravention of Figure 12.1 and Section 12.2.2 of the Celbridge LAP by virtue of the amended design concept, a justification for same is set out the Statement of Material Contravention.

Residential Density, Mix and Design

6.125 Section 6.2.2 sets out the following policies and objectives in relation to Residential Density, Mix and Design:

- *Policy RD 2 - Residential Density, Mix and Design: It is the policy of the Council to require that all new residential development provides for a sustainable mix of house*

types, sizes and tenures and that new development complements the existing residential mix.

- *RDO2.1: To require all new residential developments meet the standards and guidance set out in:*
 - *The Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHG (2009)*
 - *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2015)*
 - *The Design Manual for Urban Roads and Streets, DTTS and DECLG (2013)*
 - *The policies, objectives and development management standards contained in this LAP and the Kildare County Development Plan*
- *RDO2.2: To ensure that a good mix of housing types and sizes is provided in each Key Development Area to meet the future needs of the population of Celbridge.*
- *RDO2.3: To require the submission of a Design Statement (CDP Section 17.3 refers) and Housing Mix Statement (CDP Section 17.4.3 refers) with applications for residential development in accordance with the provisions of the County Development Plan.*
- *RDO2.4: To apply a 10% social housing requirement, pursuant to Part V of the Planning and Development Act 2000 (as amended) to all sites that are zoned solely for residential use or for a mixture of residential and other uses (save where the development is exempt from the provisions of Part V).*

6.126 The proposed development will provide a variety of house types, sizes and tenure in order to ensure a social mix and balance is achieved, and meet the future needs of the population. We refer to the Housing Mix Statement Section 7 for further detail. An Design Statement prepared by OMP is also submitted with the application.

6.127 In accordance with objective RDO2.1 and as set out above, the proposed development meets the relevant national policy and S.28 guidelines, including the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHG (2009), Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (note the 2015 version is superseded by the current 2020 guidelines), and the Design Manual for Urban Roads and Streets. It has also been demonstrated in accordance with objective RDO2.1, that the proposed development meets the relevant standards and guidance set out in the LAP and the Development Plan.

6.128 The proposed development includes 20% Part V units, exceeding the requirements of objective RDO2.4.

Density

6.129 In relation to density, the Celbridge LAP does not state any maximum density figure for the KDA 2 lands and instead provides an estimate figure. Table 4.1 of the Celbridge LAP states the estimated density for the KDA 2 lands is 30 dph, with an estimated capacity of 885 no. units. This is based on an area of 29.5 ha, which Table 4.1 states is the quantum of land for housing for KDA 2. However, it notes that the estimated residential capacity represents an estimate only, and that *'the density of development and number of units permissible will be determined at detailed design stage based on a full assessment of site characteristics and local sensitivities'*. Section 12.2.2 relating to the KDA 2 lands also states that *'this site will accommodate medium to low-density residential development in the order of 30 units per hectare.'*

6.130 Therefore, it is clear that the LAP allows for flexibility with regards to the density of development on the site, and as demonstrated in the OMP Architectural Design

Brochure and following the full assessment of the site characteristics, the Phase 1 lands can deliver a scheme with a net density of 35.5 uph whilst also meeting all other required objectives of the LAP and the CDP. The proposed density also aligns with the 'Development Strategy' (included as Appendix 1 of the Architectural Design Statement) prepared for the overall landholding, which identified a net density of c. 35 units per hectare as being suitable for the lands, and noting that the Phase 1 site needs to be considered in the context of the overall landholding. A lower density is likely to be located on the remainder of the site, with the lands being more removed from the core of the town, as part of future phases of development, resulting in an overall net density of 30 per ha across the KDA 2 lands. This will still ensure it continues to represent a 'low to medium residential development' as envisaged by the LAP.

- 6.131 Should the Board consider the proposal to be a material contravention of Table 4.1 and Section 12.2.2 of the Celbridge LAP, which require an average density of 30 uph, a justification for same is set out the Statement of Material Contravention.

Community Facilities

- 6.132 Section 6.3 Community Facilities sets out the following relevant policies and objectives:

- *Policy COM1 - Education, Childcare and Health Facilities: It is the policy of the Council to facilitate and secure the provision of social infrastructure to support existing and new communities, in a manner, which provides flexibility to respond to varied, and changing community needs.*
- *COMO1.1 To support and facilitate improvements to existing educational, childcare and healthcare facilities within the Celbridge LAP area.*
- *COMO1.2 To require the provision of childcare spaces in the Key Development Areas, in accordance with the phasing requirements set out in Chapter 13.*
- *Policy COM2 Community & Recreational Facilities It is the policy of the Council to facilitate and support a broad range of community and recreational facilities to serve the needs of the residents of Celbridge.*
- *COMO2.1: To support and facilitate the continued provision of multi-functional community facilities to meet the needs of the population of Celbridge.*
- *COMO2.2: To ensure that adequate and safe amenity and recreational open spaces are available for all groups of the population at a convenient distance from their homes and places of work.*
- *COMO2.3: To support and facilitate the provision of play facilities in Celbridge, including playgrounds and a skate park, for children of all ages having regard to children with special needs.*

- 6.133 We refer to the Social and Community Infrastructure Audit / Assessment (SCIAA). In summary and consistent with the above, this confirms:

- The childcare facility and public open space proposed within the Phase 1 application meets the requirements of the LAP and future residents of the scheme. This includes the appropriate provision of play facilities within both the public and communal open space for children of all ages.
- The extra demand created by the proposal for primary and post primary educational facilities will be relatively low in relation to current levels of local provision. Notwithstanding this, the north-western parcel of the wider KDA 2 lands are reserved for a new education campus and will accommodate modern education facilities for the town. Having regard to the estimated level of demand and the surrounding school capacity within close proximity of the subject site, it is considered that the existing and planned primary and secondary education

infrastructure can accommodate the predicted increase in demand arising from the proposed development and is therefore adequate.

- There is a range of facilities for sports and recreation within a close proximity of the site and the proposed development will also deliver significant public open spaces and communal open space to accommodate the additional population that will be generated by the proposed development and future phases of development of the wider KDA2 lands.
- The health care, community, and other facilities are well represented within the catchment area of the site which are considered sufficient to cater for the needs of the additional population in the area which the proposed development will deliver.

Movement and Transport

6.134 Regarding the subject site, the LAP sets out the following objectives and policies in section 8 relating to Movement and Transport:

- *Policy MT1 – Pedestrian and Cycle Movement It is the policy of the Council to provide an enhanced pedestrian and cycle network in Celbridge including the provision of an additional crossing of the River Liffey, to ensure ease of access to public transport, the town centre, heritage sites and other recreational facilities.*
- *MTO1.2: To facilitate and encourage cycle as a more convenient and safe method of transport through the development of new or improved cycle facilities in Celbridge with a particular focus on the routes identified in the National Transport Authority (NTA) Greater Dublin Area Cycle Network Plan to link population, commercial, community facilities, schools and transport nodes. Any new development to facilitate routes identified in the Greater Dublin Area Cycle Network Plan shall be subject to the mitigation detailed in the environmental assessments for that plan.*
- *MTO1.3: To ensure that adequate and secure bicycle parking facilities are provided generally throughout Celbridge, and as part of new residential, educational, recreational, and commercial developments.*
- *MTO1.4: To provide footpaths and public lighting at the following locations (see Map 8.1):*
 - *At the east side of the Newtown Road as part of development of KDA 6.*
 - *Refurbish Main Street footpaths, whilst taking cognisance of the Georgian character of the town.*
 - *Resurface footpaths on the Dublin Road, where required.*
 - *Full provision for pedestrians and cyclists, including public lighting, on Loughlinstown Road as part of road objectives for KDA 3.*
 - *Resurface footpaths on the Maynooth Road, where required, and upgrade cycle facilities along this section of the primary cycle network.*
 - *Full provision of facilities for pedestrians and cyclists on Hazelhatch Road to the Railway Station and to housing estates.*
- *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*
- *MTO1.7: To promote enhanced permeability for pedestrians and cyclists within the urban environment in order to improve access to local shops, schools, public transport services and other amenities, in accordance with NTA published 'Permeability: Best Practice Guide (2015)', or any successor to same, subject to local public consultation.*
- *MTO1.8: To require new housing developments to deliver filtered or full permeability to adjoining development in so far as is possible and, in the case*

of adjoining greenfield sites, to ensure the potential for such provision is addressed

- *MTO1.9: To upgrade existing pedestrian and cycle facilities across the River Liffey.*
- *Actions: The Council will work with the National Transport Authority and other statutory agencies to provide for walking and cycling infrastructure including cycle parking, subject to relevant environmental assessments.*

6.135 We refer to the Traffic and Transport Assessment prepared by DBFL Consulting Engineers. In accordance with the above objectives, this confirms the following:

- The proposed development incorporates pedestrian and cycle connections in accordance with the relevant objectives set out in the LAP. This includes a pedestrian / cycle route along the frontage of Dunlin Road, and a two way off road cycle track between the access junctions on the Shinkeen Road and Dublin Road corridors. The north-south link provides a safe and attractive cycle / pedestrian route between the Dublin Road site access and the existing cycle / pedestrian infrastructure on Shinkeen Road. This will significantly enhance the local cycle / pedestrian network creating a shorter safer cycle / pedestrian route between the Dublin Road corridor (for residents residing here) and Hazelhatch & Celbridge Train Station.
- It is acknowledged that the Celbridge Local Area Plan 2017-2023 identifies an objective for road and footpath improvements along the Dublin Road. Accordingly, the subject application includes for road and footpath improvements along the application site frontage thereby complying with this objective of the LAP as it relates to the subject lands. Following discussions with KCC Transport / Roads section and the planning policy requirements, the proposed site layout has been designed to maximise permeability and connectivity to, through and from the site by foot and by bicycle. Dedicated cycle and pedestrian facilities are proposed at the two vehicular access junctions on Dublin Road and Shinkeen Road. It is acknowledged that the Celbridge Local Area Plan 2017-2023 identifies an objective for road and footpath improvements along the Dublin Road. Whilst no scheme has been developed to date by the Planning Authority, the subject application includes for road and footpath improvements along the application site frontage thereby complying with this objective of the LAP as it relates to the subject lands.
- As discussed further in the TTA report, a meeting took place between DBFL and KCC Roads / Sustainable Transport departments with the aim of determining the likely future cycle infrastructure along the Dublin Road corridor. The subject site layout incorporates a 2m wide footpath and 2m wide cycle track within the site boundary on the southern side of the Dublin Road corridor. However, should an alternative arrangement be preferred and progressed by KCC in the future, this can be easily incorporated into the subject scheme due to the significant setback provided along the Dublin Road. In the interim (before a cycle scheme along the Dublin Road corridor is developed), the proposed cycle and pedestrian link through the subject lands offers a safe and attractive connection between the Dublin Road corridor and existing cycle facilities on Shinkeen Road which in turn link with the Dublin Road corridor. Please refer to the Traffic and Transport Assessment prepared by DBFL for further information.
- Thus, the subject application provides for appropriate facilities along the site frontage, that will be compatible with future cycle schemes on the Dublin Road corridor by the Planning Authority, which have yet to be developed. The proposed cycle facilities on the Shinkeen Road corridor within the subject sites red line boundary will take the form of cycle tracks with dedicated TOUCAN

crossings on all arms of the proposed signal-controlled junction. The proposed cycle tracks offer additional protection and Quality of Service to cyclists along this corridor over and above the existing cycle lanes. At the extents of the red line boundary, the proposed cycle tracks will tie-into the existing cycle lane arrangement to the north and south.

- In accordance with objectives MT01.6 and MT03.14 KCC will facilitate a new pedestrian / cycle bridge crossing of the River Liffey in conjunction with any new development at Donaghcumper and new residential areas to the south. The delivery of this bridge or upgrade of the existing bridge will benefit the wider area as well as the subject lands. Consequently, the Planning Authority may consider it necessary to apply a Special Development Contribution Levy under S.48 of the Planning and Development Act 200, as amended, to forthcoming planning applications to assist in funding of this infrastructure.
- Furthermore, Section 13.5.1 of the LAP provides a table regarding infrastructure and associated phasing of the KDA2 development and also within Table 1 of the Development Strategy on the Phasing of Development of the Ballyoulster KDA. With respect to the provision of a new town centre pedestrian/cycle link from Celbridge Main Street to Dublin Road crossing the River Liffey or improved facilities on the existing bridge, it states that this is “*To be completed prior to the occupation of dwelling units 351 in this KDA*”. It is noted that the delivery of this new/upgraded pedestrian and cyclist link from Celbridge Main Street is not required to be constructed or in place for the proposed Phase 1 development. Under the requirements of the LAP and Table 1 of the Development Strategy, the completion and opening of the pedestrian/cyclist link is required in advance of the occupation of the 351st residential unit associated with Phase 2.
- The proposed development includes pedestrian infrastructure up to the application site boundary to facilitate potential future filtered permeable links with the existing residential settlement of Willow Crescent, and it also provides for the implementation of cycle / pedestrian facilities to the south and east for future connectivity with future development within the KDA2 lands.

6.136 In relation to the roads and street network, Section 8.3 sets out the following objectives:

- *Policy MT3 – Roads: It is the policy of the Council to support improvements to the road and street network in Celbridge in order to provide connectivity and permeability throughout the town, enable access to and from new communities and to reduce through-traffic in the town centre.*
- *MTO3.2: To require all road development to be undertaken in accordance with ‘Principles of Road Development’ as set out in Section 5.8.3 of the Transport Strategy for the Greater Dublin Area 2016-2035.*
- *MTO3.5: To secure the provision of the strategic road objectives identified on Map 8.1, which provides access to new communities and Key Development Areas within the town.*
- *MTO3.6: To ensure that all significant development proposals for the KDAs are subject to a Traffic Impact Assessment (TIA), to be carried out in accordance with the Traffic and Transport Assessment Guidelines, NRA (2014). The requirement for TIA will be determined, by the Planning Authority, on a case-by-case basis.*
- *MTO3.7: To require all new developments to comply with the requirements of the Kildare Local Authorities Noise Action Plan 2013 and any revisions of this plan (this may be viewed on the Kildare County Council website at the following address; www.kildarecoco.ie).*

- *MT03.8: To require all new developments to comply with the recommendations of the Design Manual for Urban Roads and Streets (DMURS) and National Cycle Manual, or any subsequent relevant publication*
- *MT03.10: 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.*
- *MT03.14: To carry out the following road improvements (See Map 8.1):*
 - *g. Upgrade the Loughlinstown Road in conjunction with road objectives for KDA 3*
- *MT03.17: To promote the planting of native species when considering the landscaping requirements of new transport networks.*

6.137 The Traffic and Transport Assessment and DMURS Statement prepared by DBFL Consulting Engineers confirms consistency with the above objectives. This includes:

- The TTA is prepared in accordance with the relevant Traffic and Transport Assessment Guidelines.
- The proposed development complies with the recommendations of DMURS and the National Cycle Manual.
- As set out above, in accordance with objectives MT01.6 and MT03.14 KCC will facilitate a new pedestrian / cycle bridge crossing of the River Liffey in conjunction with any new development at Donaghcumper and new residential areas to the south. The delivery of this bridge or upgrade of the existing bridge will benefit the wider area as well as the subject lands. Consequently, the Planning Authority may consider it necessary to apply a Special Development Contribution Levy under S.48 of the Planning and Development Act 2000, as amended, to forthcoming planning applications to assist in funding of this infrastructure.
- In accordance with objective MT03.10 KCC will 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 . It is noted that the delivery of this new road is not deemed necessary for the modest increase in traffic predicted to be generated at this location as a result of the implementation of the subject Phase 1 development.

6.138 In respect of car parking and objective MT04.1(a), as set out above in relation to the car parking standards set out in Table 17.9 of the Development Plan, a total of 585 no. car parking spaces are proposed comprising 474 no. spaces for residents, 102 no. visitor spaces, and 9 no. spaces for the childcare facility. The car parking provision for the proposed houses is fully consistent with Table 17.9 of the CDP with 2 no. car parking spaces per house. In relation to duplex / apartment units, the car parking provision proposed is in accordance with the Apartment Guidelines 2020 for developments in peripheral and/or less accessible urban locations with 1 space per unit, plus an element of visitor parking. This level of provision is not consistent with Table 17.9 of the CDP which sets out a requirement for 1.5 spaces per unit plus 1 visitor space per 4 apartments. However, section 17.4.6 of the CDP states that planning application for apartments shall be assessed against 'the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning' Authorities, DECLG (2015)' which is now superseded by the 2020 Apartment Guidelines. should the Board consider the proposal to be a material contravention of the parking requirements for apartments set out in Table 17.9 of the CDP and Objective MT04.01 in the LAP, a justification for same is set out in the Statement of Material Contravention.

Infrastructure

6.139 Section 9 sets out the following relevant infrastructure policies and objectives:

- *Policy INF1 – Water Supply & Wastewater: It is the policy of the Council to work with Irish Water to protect existing water and wastewater infrastructure in Celbridge, to maximise the potential of the existing network and to ensure that new or upgraded infrastructure is provided, to facilitate future growth.*
- *INFO1.1 To work with Irish Water to protect, manage and optimise water services infrastructure in Celbridge.*
- *INFO1.2 To work with Irish Water to promote the ongoing upgrade and expansion of water services networks, subject to relevant environmental assessments, to meet the future needs of Celbridge.*

6.140 We refer to the Infrastructure Design Report and the Confirmation of Feasibility from Irish Water which confirms that Irish Water's Capital Investment Plan includes for projects in the Celbridge and Lower Liffey Valley Catchment which will provide long term strategic solutions and ensure sufficient capacity for the proposed development.

- *Policy INF2 – Surface Water: It is the policy of the Council to maintain and enhance the existing surface water drainage systems in Celbridge and to protect surface and ground water quality in accordance with the Water Framework Directive.*
- *INFO2.1 To carry out surface water infrastructure improvement works as required, subject to relevant environmental assessments.*
- *INFO2.2 To require Sustainable Urban Drainage Systems (SUDS) as part of all plans and development proposals in Celbridge. Proposals for KDAs should address the potential for SUDS at a local and district level to control surface water outfall and protect water quality.*
- *INFO2.3 To maintain, improve and enhance the environmental and ecological quality of surface waters and groundwater in Celbridge in accordance with the Eastern River Basin District River Basin Management Plan and in conjunction with the EPA.*
- *INFO2.4 To require applicants to demonstrate that proposals will not negatively impact on the status of a water body, in accordance with the requirements of the Water Framework Directive and associated River Basin Management Plans.*
- *INFO2.5 To ensure that planning applications have regard to any existing groundwater protection schemes and/or the likely impacts that the development may have on groundwater, groundwater dependent terrestrial ecosystems (GWDTEs) and soils.*
- *Actions: To ensure that the surface water drains are regularly maintained to minimise the risk of flooding*

6.141 Consistent with the above objectives, the proposed development includes a number of SUDS features including, tree pits, bio-retention areas and swales. Surface water runoff from the development will be attenuated to greenfield runoff rates (Qbar) in accordance with the Greater Dublin Strategic Drainage Study (GDSDS).

6.142 In relation to water quality, we refer to the Biodiversity Chapter and the Water Chapter of the EIAR.

- *Policy INF3 – Flood Risk Management: It is the policy of the Council to manage flood risk in Celbridge in conjunction with the OPW and in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) and Circular PL02/2014 (August 2014).*

- *INFO3.1 To manage flood risk in Celbridge in accordance with the requirements of the Planning System and Flood Risk Management Guidelines for Planning Authorities, DECLG and OPW (2009) and Circular PL02/2014 (August 2014).*
- *INFO3.2 To ensure development proposals within the areas outlined on the Flood Risk Map are the subject of Site-Specific Flood Risk Assessment, appropriate to the nature and scale of the development being proposed.*
- *INFO3.3 To support and co-operate with the OPW in delivering flood alleviation work under the Eastern CFRAM Programme.*

6.143 A Site Specific Flood Risk Assessment prepared by McCloy Consulting is submitted with the application. This accords with policy INF3 and objectives INFO3.1, INFO3.2 and INFO3.3.

Built and Natural Heritage

6.144 Section 10.2 sets out the following Archaeological Heritage policies and objectives:

- *Policy BH1 – Archaeological Heritage It is the policy of the Council to safeguard the archaeological heritage of the LAP area and avoid negative impacts on sites, monuments features or objects of significant historical or archaeological interest.*
- *BHO1.1: To protect and preserve those items of archaeological interest listed in Table 10.1 and shown on the Map 10.1 from inappropriate development that would adversely affect and/or detract from the interpretation and setting of these sites.*
- *BHO1.3: To ensure proposals contribute towards the protection and preservation of the archaeological value of sites including underwater sites associated with the River Liffey.*

6.145 We refer to Chapter 4 of the EIAR submitted with the application assesses the impact, if any, on the archaeology, architecture and cultural heritage resource of the proposed development. This confirms there are no archaeological sites located within the development area; however, there are three recorded monuments within 300m. The nearest of these sites consists of a ring-ditch (KD011-074), located c. 85m to the east-southeast. The archaeological zone of potential for the historic town of Celbridge (KD011-012001) is located c. 417m to the west. There are two protected structures located within 300m of the development area. The closest is a medieval church (RPS B11-02) located c. 185m west-northwest of the site. This is also a recorded monument (RMP KD011-013).

6.146 The EIAR Chapter confirms that a geophysical survey and a programme of archaeological testing was carried out for the subject site. The testing revealed 12 areas of archaeological significance. AA1 is the largest of the sites, representing the remains of part of the medieval settlement. Due to the scale and extent of the site, it is proposed to preserve the majority of this archaeological area in-situ within greenspace. The archaeological exclusion area will be established at construction stage in order to prevent inadvertent construction impacts. The small portions of the site to be impacted by the proposed development will be preserved by record. This will be carried out under licence to the National Monuments Service of the DoHLGH.

6.147 Due to the required layouts and density of the proposed development the remaining archaeological sites (AA2-7 and 9-12) will be directly impacted by ground works associated with the proposed development. Whilst it is acknowledged that the preservation in-situ of archaeological remains is indeed the best manner in which to conserve the archaeological resource, the required layout of the development means that the archaeological features and deposits within AA2-12 (excluding AA8 and 9) will

be subject to archaeological preservation by record (prior to the commencement of construction). This will be carried out under licence to the National Monuments Service of the DoHLGH. Full provision will be made available for the resolution of the archaeological remains, both on site and during the post-excavation process.

- 6.148 In relation to objective BHO1.3, the EIAR proposes an underwater archaeological assessment will be carried out along the path of the existing watercourse, where it will be affected by new crossing points. This will be carried out under licence to the National Monuments Service of the DoHLGH. Should any archaeological remains be identified, consultation will be required with the National Monuments Service of the DoHLGH as to whether preservation by record or in-situ is carried out.

Historic Landscape Areas and Scenic Routes and Views

- 6.149 Section 10.3.2 sets out the following policies and objectives of relevant to historic landscape areas and scenic routes and views:

- *Policy HLA1- Historic Landscapes Areas: It is the policy of the Council to preserve the special landscape character of historic landscapes within Celbridge as set out on Map 13.1 Land Use Zoning.*
- *HLAO1.1: To protect the special landscape character of historic landscape areas and ensure that new development enhances the special character and visual setting of the historic landscapes outlined on Map 13.17 and to prevent development that would have a negative impact on the character of the lands within the Historic Landscape Areas.*
- *HLAO1.2: To support the preparation of Woodland Conservation and Management Plans for lands within the Historic Landscape Areas.*
- *Policy SRV1- Scenic Routes and Views It is the policy of the Council to ensure that the proposed location, siting and design of buildings and structures and any mitigation measures identified in the LAP, protect the special character of the identified scenic routes and protected views.*
- *Objectives It is an objective of the Council: SRVO1.1: To protect the visual amenity and character of scenic routes and views in Celbridge and Castletown as identified in the County Development Plan.*
- *SRVO1.2: To require a Visual Impact Assessment of proposals for development that may impact the special character and visual amenity of scenic routes and views as part of the planning application process. Actions To review existing and potential new scenic routes and views worthy of protection in the course of preparing the proposed Architectural Conservation Area and Historic Landscape Area character statements*

- 6.150 The LVIA chapter assesses the relevant 'Historic Landscape Areas' (HLA) identified on the land use zoning map including the demesnes of Castletown House, Donaghcumper and St Wolstan's Priory, as well as the Liffey River corridor. The designation ends at the northern edge of the Dublin Road, i.e. the HLA designation does not extend across the road into the Ballyoulster area.

- 6.151 It is noteworthy that a footnote to Objective HLAO1.1 states that the HLA designation will not preclude development in an area identified as KDA 2 (for town centre extension) in Donaghcumper, as the relevant lands were '*considered to be outside of the "Designed" areas of the landscape*'. This is notable in that it indicates that the HLA designation is focussed on the designed demesne landscapes themselves, and is not intended to restrict/restrain development outside of these historic landscape areas.

- 6.152 The Priory and Donaghcumper House demesnes are located on the north side of the Dublin Road, well removed from the site - except where the site has frontage to the Dublin Road opposite an entrance to Donaghcumper demesne and a gate lodge inside the entrance. The demesnes are enclosed by walls and belts of woodland along the Dublin Road boundary, and the house and priory and their designed landscapes generally would have orientated north towards the Liffey, i.e. away from the site. The LVIA confirms that apart from the new urban frontage across the road from the Donaghcumper entrance (between two industrial premises also opposite Donaghcumper), there is limited potential for impact on the historic demesnes
- 6.153 The LVIA confirms that the subject site is over 1km from Castletown House, beyond the Liffey River and the Donaghcumper and St Wolstan's demesnes and the Dublin Road. There is no potential, given the nature of the proposed development (particularly the height of the buildings at up to three storeys) to cause a significant visual impact on views from Castletown House and estate. The site is too far away and there is a substantial amount of screening vegetation in the intervening landscape.

Natural Heritage

- 6.154 Section 10.4 sets out the following relevant policies and objectives in respect of natural heritage:

- *Policy NH1 Natural Heritage It is the policy of the Council to support the protection of species and habitats that are designated under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992 as well as areas of high local biodiversity value and to ensure development with potential to impact the integrity of the Natura 2000 network will be subject to Appropriate Assessment. Objectives It is an objective of the Council:*
- *NHO1.1: To ensure an Appropriate Assessment, in accordance with Article 6(3) and Article 6(4) of the Habitats Directive and with DEHLG guidance (2009), is carried out in respect of any plan or project not directly connected with or necessary to the management of a Natura 2000 site to determine the likelihood of the plan or project having a significant effect on a Natura*
- *2000 site, either individually or in combination with other plans or projects and to ensure that projects which may give rise to significant cumulative, direct, indirect or secondary impacts on Natura 2000 sites will not be permitted (either individually or in combination with other plans or projects) unless for reasons of overriding public interest.*
- *NHO1.2: To identify, protect, conserve and enhance wherever possible, wildlife habitats and species of local importance, not otherwise protected by legislation. Such habitats would include woodland, river, grassland areas and field boundaries (hedgerows, stone walls and ditches). Such features form part of a network of habitats and corridors, which allow wildlife to exist and flourish and contribute to compliance with Article 10 of the Habitats Directive.*
- *NHO1.3: To protect and conserve the integrity of soils that supports the rich biodiversity and ecological networks in Celbridge.*

- 6.155 An Appropriate Assessment Screening Report is submitted with the application. This confirms in accordance with the above objectives:

"This report presents a Stage 1 Appropriate Assessment Screening for the Proposed Development, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the Proposed Development, either alone or in combination with other plans and projects, in view of

best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 site.

On the basis of the content of this report, the competent authority is enabled to conduct a Stage 1 Screening for Appropriate Assessment and consider whether, in view of best scientific knowledge and in view of the conservation objectives of the relevant European sites, the Proposed Development, individually or in combination with other plans or projects is likely to have a significant effect on any European site. There is no possibility of significant impacts on Natura 2000 sites, features of interest or site specific conservation objectives. A Natura Impact Statement is not required.

Accordingly, having carried out the Stage 1 Appropriate Assessment Screening, the competent authority may determine that a Stage 2 Appropriate Assessment of the Proposed Development is not required as it can be excluded, on the basis of objective scientific information that the Proposed Development, individually or in combination with other plans or projects, will have a significant effect on any European site.”

Green Infrastructure

6.156 Section 11.1 sets out the following objectives and policies in respect of Green Infrastructure:

- *Policy GI 1 – Green Infrastructure: It is the policy of the Council to protect, enhance and further develop the Green Infrastructure network in Celbridge and to strengthen links to the wider regional network.*
- *GIO 1.1: To reduce and avoid fragmentation or deterioration of the Green Infrastructure network and strengthen ecological links within Celbridge and to the wider regional network.*
- *GIO 1.2: To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the town by increasing, where appropriate, tree canopy coverage using locally native species by incorporating them within design proposals and supporting their integration into the existing Green Infrastructure network.*
- *GIO 1.3: To integrate Green Infrastructure as an essential component of all new developments and restrict development that would fragment or prejudice the Green Infrastructure network.*
- *GIO 1.4: To ensure key hedgerows identified, and the linkages they provide to larger areas of Green Infrastructure and the wider countryside, are retained where appropriate and integrated into the design of new developments.*
- *GIO 1.5: To promote a network of paths and cycle tracks to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes responds to the ecological protection needs of each site.*
- *GIO 1.6: To maintain a biodiversity protection zone of not less than 15 metres from the top bank of the River Liffey and of not less than 10 metres from the top bank of smaller watercourses in Celbridge, with the full extent of the protection zone to be determined on a case by case basis by the planning authority, based on site specific characteristics and sensitivities. Strategic green routes and trails will be open for consideration within the biodiversity protection zone, subject to appropriate safeguards and assessments.*
- *GIO1.7: To promote best practice with respect to minimising the spread of, and eradicating, invasive species, in accordance with the provisions of Section 13.8.3 of the Kildare County Development Plan 2017-2023.*
- *GIO1.8: To carry out, as resources allow, Habitat and Green Infrastructure Mapping for the areas included in the extended Celbridge Local Area Plan area*

(i.e. Castletown, St. Wolstans and Donaghcumper Demesnes). Action: All proposals for developments will be required to demonstrate that the existing Green Infrastructure Network is protected, in so far as practicable, and that the development contributes positively to the development and protection of the overall Green Infrastructure assets of Celbridge.

6.157 The proposed development seeks to protect and preserve existing trees and hedgerows where appropriate. Only a small proportion of the tree and hedge vegetation to be removed to facilitate the proposed development, and for the tree and hedge vegetation proposed for retention, all necessary mitigation measures will need to be put in place in order to prevent or reduce impact to its very minimum. We refer to the Arboricultural Assessment for further information.

6.158 We refer to the EIAR Biodiversity Chapter and the Landscape Design Strategy which demonstrates the design is co-ordinated in respect of green infrastructure, biodiversity and landscape features. The Biodiversity Chapter states that with the successful implementation of outlined mitigation measures to limit surface water impacts and biodiversity mitigation/supervision, no significant impacts are foreseen from the construction or operation of the proposed project. Residual impacts of the proposed project will be localised to the immediate vicinity of the proposed works.

6.159 The proposed layout maintains a biodiversity protection zones, with a riparian buffer zone of 10 metres, and exceeding this in places, from the top bank of the watercourses within the subject site. Please refer to the EIAR Biodiversity Chapter for further detail

Open Spaces

6.160 Section 11.3 Open Spaces

- *Policy OS1 - Open Spaces It is the policy of the Council to provide for a hierarchy of high quality multi-functional public open spaces within Celbridge, and to preserve and protect such spaces through the appropriate zoning of lands. Objectives It is an objective of the Council:*
- *OSO1.1: To support and facilitate the provision of open spaces with ecological and recreational corridors to aid the movement of biodiversity and people, subject to appropriate environmental assessment.*
- *OSO1.3: To provide a range of opportunities for active and passive recreation within public open spaces and to support 'Edible Gardening' community projects where appropriate.*

6.161 As set out in Section 4, the proposed development has regard to the relevant objectives set out in Section 11.3, including provision of a high quality multi-functional public open space, with ecological and recreational corridors and opportunities for active and passive recreation. We refer to the Landscape Strategy Report for further details.

Phasing

6.162 Section 13.5.1 sets out the phasing for each key development area and the figure below sets out the relevant phasing requires for the KDA 2 lands.

Figure 6.5: Extract Celbridge LAP – KDA 2 Phasing

| KDA 2 – Ballyoulster | | |
|-------------------------------------|---|--|
| Type of 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 the occupation of dwelling units 351 in this KDA. |
| Childcare | Compliance with objective CPFO 1 of the Kildare County Development Plan 2017 – 2023. | Pro-rata provision for dwellings 1-100 to be completed prior to the commencement of dwelling no. 101 in this KDA. Pro-rata provision for remainder to be completed 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. | To be completed prior to the occupation of dwelling units 351 in this KDA. |

6.163 The LAP also includes the following notes which are of relevance:

- *All planning applications for development within KDA's shall be accompanied by a detailed Traffic Impact Assessment. Identified pinch points in the network with limited capacity include the existing road bridge over the River Liffey and the junctions on the R405 (Maynooth Road) at Tesco and Aldi. While the Council will seek to maximise the capacity of the existing network in the short to medium term through active traffic management, new river crossings (pedestrian/cycle and vehicular) and a western link road to the north of Celbridge, will be required to accommodate growth in the longer term.*
- *A minimum of 1 no. childcare facility shall be provided in KDA's 2, 3 and 5. The Planning Authority will consider proposals for on-site or off-site childcare provision to satisfy the requirement for prorata childcare provision in other KDA's and to meet additional requirements in KDA's 2 and 3. In the event that off-site provision is proposed the applicant will be required to outline details of the offsite provision to the satisfaction of the Planning Authority and to demonstrate to the satisfaction of the Planning Authority that adequate provision will be made to cater for the proposed development.*

6.164 Further details on the phasing proposals for the subject site are set out in Section 4, however in summary the proposed development accords with the phases of development for the KDA 2 lands set out in section 13.5.1 of the Celbridge LAP, including:

- The Phase 1 proposals do not exceed the number of units to be completed (351) prior to the completion of improved pedestrian and cycle facilities on the existing Liffey Bridge;
- A childcare facility is proposed as part of the Phase 1 proposals, and can be completed prior to the commencement of dwelling no. 101 if considered necessary by the Board. This is reflected in the proposed phasing of the lands.;
- In relation to the Local Park, 2.56ha (18% of the gross site area) public open space in the form of 3 no. Local Parks will be provided as part of the Phase 1 works. This complies with the requirement for the Local Park to be completed prior to the occupation of 351 no. units.

- A TTA is submitted to demonstrate that there is sufficient capacity in the existing road network to accommodate the proposed development.

DRAFT KILDARE COUNTY DEVELOPMENT PLAN 2023-2029

- 6.165 The Planning Authority is currently preparing a new Kildare County Development. The Draft Plan was on public display until 24th of May 2022. Therefore, presently it is not finalised nor adopted and will not come into effect until likely April 2023. Accordingly, the subject application will be assessed under the current Plan and the Draft Plan is not a material consideration.
- 6.166 The Draft Plan continues to identify Celbridge as a Self Sustaining Town within the settlement hierarchy and the preferred development strategy includes for achieving the critical mass in the MASP area (including Celbridge) with the Draft Plan. There is no change to the zoning of the site in the Draft Plan, noting the zoning of the lands is within the Celbridge Local Area Plan 2017-2023. The Planning Authority is not currently reviewing the LAP, so this remains unchanged.
- 6.167 The subject site will be assessed under the current Development Plan and therefore the draft Plan is not a material planning consideration. This accords with section 9 (2) of the Planning and Development (Housing) and Residential Tenancies Act 2016 which confirms when making a decision in relation to a SHD application, the Board shall when considering the likely consequences for proper planning and sustainable development in the area, including having regard to *'the provisions of the development plan, including any local area plan if relevant, for the area.'* There is no reference to having regard to the provisions of a draft development plan.

7.0 STATEMENT OF HOUSING MIX

- 7.1 This section provides a Statement of Housing Mix in accordance with Objective MD03 and Section 17.4.3 of the Kildare County Development Plan, and objective RDO2.3 of the Celbridge Local Area Plan, which state that a Statement of Housing Mix be submitted with planning applications for 50 units or more within a Large Growth Town or a Moderate Sustainable Growth Town. Prior to Variation 1 of the CDP, Celbridge was identified as a *'Moderate Sustainable Growth Town'*.
- 7.2 Section 17.4.3 states that *'The Statement shall set out how the proposed housing mix has been determined, having regard to local supply and demand, and how the proposal meets any Target Housing Mix for the area, if applicable'*.
- 7.3 With reference to the proposed mix, the proposed development has support from national and local planning policy, and will provide a sustainable mix of unit types across the Phase 1 lands.

National Guidelines

- 7.4 The National Planning Framework highlights a core principle in the delivery of future housing as *"allowing for choice in housing location, type, tenure and accommodation in responding to need."*
- 7.5 The proposal is in compliance with Specific Planning Policy Requirement 4 of the Urban Development and Building Height Guidelines (December 2018) which requires that developments meet the Sustainable Residential Development in respect of density and provides an appropriate mix of building heights and typologies and to avoid monotype building typologies.

- 7.6 Furthermore, the Apartment Guidelines 2020 recognise that apartments “are a key and growing part of the way in which we live in various parts of our country and particularly in our cities and towns.”
- 7.7 The Apartment Guidelines 2020 under SPPR 1 states:
- “Specific Planning Policy Requirement 1
Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).”*
- 7.8 The proposed development provides for 214 no. duplex/apartment units, comprising 54 no. 1 Beds (25% of all apartment/duplex units), 30 no. 2 Beds 4 Persons (14%) and 130 no. 3 beds (61%) which is compliant with SPPR 1 of the Apartment Guidelines.
- 7.9 The overall development provides a wide range of unit types in a sustainable mix which will ensure a wide variety of tenures for a cross section of society.
- 7.10 According to the CSO New Dwelling Completion statistics, whilst an increase in delivery, apartments still make up a minority of built development for Kildare at just 13% of the total number of units built in 2021.

Table 7.1 – Housing Completions Kildare 2018-2022 (Source: CSO)

| | 2018 | % | 2019 | % | 2020 | % | 2021 | % | 2022 (Q1) | % |
|---------------------------|-------|-----|-------|-----|-------|-----|-------|-----|-----------|-----|
| Single House | 158 | 13% | 204 | 11% | 168 | 10% | 171 | 8% | 35 | 11% |
| Multi House Scheme | 1032 | 85% | 1,633 | 86% | 1,477 | 89% | 1,604 | 79% | 255 | 83% |
| Apartment | 31 | 2% | 62 | 3% | 18 | 1% | 259 | 13% | 17 | 6% |
| Total | 1,221 | | 1,899 | | 1,663 | | 2,034 | | 307 | |

Celbridge Local Area Plan 2017-2023

- 7.11 The Celbridge LAP does not prescribe a specific residential mix but Section 6.2.2 does anticipate that an appropriate mix of house types and densities will emerge based on the locational characteristics of each site. It refers to a continued ‘*strong demand for family housing*’, but also refers to ‘*The need for smaller housing units and apartments should be considered within each of the Key Development Areas to contribute to the achievement of an appropriate housing mix and to address the emerging demand for smaller units.*’ The following policies and objectives are of relevance:
- **Policy RD 2 - Residential Density, Mix and Design:** *It is the policy of the Council to require that all new residential development provides for a sustainable mix of house types, sizes and tenures and that new development complements the existing residential mix.*
 - **RDO2.2:** *To ensure that a good mix of housing types and sizes is provided in each Key Development Area to meet the future needs of the population of Celbridge.*
- 7.12 In relation to KDA 2, the LAP states a ‘*mix of housing types that range from two to three storeys in height is encouraged.*’

- 7.13 Section 6.1 of the LAP provides a demographic profile of Celbridge. In respect of the breakdown of population by age, it notes the age profile of Celbridge includes a high percentage of children, young people and people in work age cohorts. It also states that the housing stock of Celbridge in 2016 had an average occupancy rate of two to four persons predominantly.
- 7.14 In relation to housing stock, section 6.2 of the LAP states that residential development in Celbridge predominantly comprises medium-density detached or semi-detached houses. It states that the Census 2016 indicates that houses represent 89% of the housing stock, while apartments represent 10.3%.
- 7.15 This corresponds with the Social and Community Infrastructure Audit Assessment prepared for the application and provides a more detailed profile based on the electoral divisions of Celbridge and Donaghcumper.
- 7.16 The immediate vicinity of the development comprises predominantly 2 storey dwellings to the north east and west, with a mix of 2 storey dwellings and duplex / apartment blocks to the south. The proposal provides for a mix of dwelling types which will cater for a mixed community allowing for a range of age cohorts within the development.
- 7.17 The proposed development provides for 20% Part V housing on site, providing for a mix of tenures within the development, whilst also contributing to the fulfilment of Objective HS03 and HS04 of the Development Plan which seek to increase social housing stock within the county and promote social integration via tenure mix.

Statement of Mix

- 7.18 In summary the proposed development comprises 344 no. residential units, comprising 130 no. houses, 214 no. duplex / apartment units, as well as a childcare facility of 369 sq.m.
- 7.19 The overall unit mix across the scheme comprises 16% 1 bedroom units, 9% 2 bedroom units, 61% 3 bedroom units and 14% 4 bedroom units.

Table 7.2 – Overall Proposed Mix

| | 1 Bed | 2 Bed | 3 Bed | 4 Bed | Overall | % |
|---------------------------------|-------|-------|-------|-------|---------|-----|
| Houses | - | - | 80 | 50 | 130 | 38% |
| Apartments / Duplex Units | 54 | 30 | 130 | - | 214 | 62% |
| Total | 54 | 30 | 210 | 50 | 344 | |
| Overall Mix % | 16% | 9% | 61% | 14% | | |

- 7.20 As set out above, the development sits in a wider area that predominantly consists of houses, and as noted by the recent completions, this continues to be the prominent housing type delivered across Kildare. Therefore, the proportion of high quality apartment / duplex units will provide a form of residential accommodation which is lacking in the area.
- 7.21 Notwithstanding this, it is recognised that given the demographic profile of the area which includes a high percentage of children, young people and people in work age cohorts, there is likely to be a demand for a range of unit types, including units that will cater for family type living. On this basis, a range of unit types are proposed as part of this development including apartments, duplex apartments and houses with a mix of

1, 2, 3 and 3 bedroom units to allow for a new mixed community through providing a choice of housing.

- 7.22 In addition to the above, the applicant engaged with a local agent to confirm the proposed mix also reflected local market demands. Appendix 4 includes a letter from Sherry Fitzgerald Brady O'Flaherty confirming that based on their extensive local market knowledge of both the second hand and new homes market, and indeed the current market demands for housing in Celbridge, that the proposed unit mix as indicated is appropriate to assist in meeting current market demands in the area.

Conclusions

- 7.23 The overall development provides a wide range of unit types in a sustainable mix which ensure a wide variety of tenures for a cross section of society, The proposed development includes a good mix of housing types, sizes and tenures that will complement the existing residential mix and meet the future needs of the population of Celbridge in accordance with Policy RD 2 and objective RDO2.2.

8.0 SUMMARY AND CONCLUSIONS

- 8.1 The statement set out herein demonstrates that the proposed development is consistent with the relevant national, regional and local planning policy context.

- 8.2 At a national and regional level, it is submitted that the proposal is consistent with the following:

- 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, DoHPLG);
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020, DoHPLG) (referred to herein as the Apartment Guidelines);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas - Cities, Towns and Villages (2009);
- Childcare Facilities, Guidelines for Planning Authorities, (2001);
- Design Manual for Urban Roads and Streets (2019, DoTIS);
- Urban Design Manual - a Best Practice Guide (2009, DoEHLG);
- Sustainable Residential Development in Urban Areas - Cities, Towns & Villages (2009, DoEHLG);
- Transport Strategy for the Greater Dublin Area 2016 – 2035 (2016);
- The Planning System and Flood Risk Management Guidelines, (2009).

- 8.3 Consistency is also demonstrated with the policies and provisions of the Kildare County Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023, save in respect of the specific objectives for which a separate Statement of Material Contravention has been prepared should the Board be of the view that the proposed development contravenes the Kildare County Development 2017-2023 (as varied) in respect of (i) the housing unit allocation for Celbridge as set out in Table 3.3 of the CDP (as amended under Variation No. 1 of the CDP) and (ii) the car parking standards set out in Table 17.9 of the CDP, and the Celbridge Local Area Plan 2017-2023 in respect of (iii) the estimated density outlined for KDA2 set out in Table 4.1 and Section

12.2.2 of the Celbridge LAP, and (iv) Figure 12.1 and Section 12.2.2 of the LAP in relation to the Design Concept for KDA 2 Ballyoulster.

- 8.4 It is respectfully submitted that the proposed development is in accordance with the relevant planning policy context. Celbridge is specifically identified as a 'Self Sustaining Town' in the Settlement Strategy for the County Development Plan 2017-2023. The subject lands are also identified as a Key Development Area within the Celbridge Local Area Plan. The delivery of an appropriate scale of residential development at this location is therefore entirely in accordance with the confirmed policy approach to the development for this KDA area.
- 8.5 The proposed development has the potential to provide significant improvements to the connectivity and permeability of the subject site with the surrounding area. It will also facilitate access to the future schools campus planned for the adjoining lands to the immediate north.
- 8.6 In conclusion, it is respectfully submitted that the proposal is a suitable form, design and scale of development for this strategically located underutilised site, situated adjacent in proximity to high quality frequent public transport which is suited to the scale and nature of development proposed.

APPENDIX 1 – LEGAL OPINION

Counsel Opinion

Querist: Kieran Curtin, Receiver over certain assets of Maplewood Development Unlimited Company (in liquidation and in receivership)

Agent: Kate Kerrigan, John Spain & Associates

Date: 14 June 2022

I. Scope

1. I have been asked to advise on a specific zoning issue insofar as it potentially affects an application under the Planning and Development (Housing) and Residential Tenancies Act 2016 (the “**2016 Act**”) for a strategic housing development (“**SHD**”) of 344 residential units, a childcare facility, open space and associated infrastructure (the “**proposed development**”) on a site of 13.4 hectares at Ballyoulster, Celbridge, Co. Kildare (the “**site**”).
2. In particular, I am asked to advise on whether a link access road (referred to as the Boulevard) which will facilitate the proposed Phase 1 residential development and connect the site from the Dublin Road to the Shinkeen Road (the “**access road**”) will contravene materially the land use zoning objectives in the Celbridge Local Area Plan 2017-2023 (the “**LAP**”) and therefore breach s.9(6)(b) of the 2016 Act or whether the proposed development is acceptable in principle, given the zoning objectives in the LAP.
3. I have also been asked to advise whether the proposed development meets the definition of SHD in s.3(a) of the 2016 Act, i.e. the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses.

II. Background

4. By way of background, I am instructed that the initial pre-planning application was made to An Bord Pleanála (the “**Board**”) on 15 November 2021 and the statutory tripartite meeting between representatives of the developer, the Board and Kildare County Council (the “**Council**”) was held on 16 February 2022, while a further meeting was held with the Council in early March 2022.
5. I am further instructed that the site of the proposed development is identified as a ‘Key Development Area’ in the LAP (referred to as KDA2) and the land use zoning objectives for the site at Ballyoulster include lands zoned ‘C: New Residential’ (the “**C Zoning**”) and ‘E: Community and Educational’ (the “**E Zoning**”).¹
6. In that regard, the proposed residential units will all be located on lands with the C Zoning, and there will be further residential development on the lands with the C Zoning which will be progressed on a phased basis by way of future planning applications. The lands with the E Zoning will be used for a new educational campus with three schools which I understand is being progressed separately by the Department of Education (the “**Department**”).
7. I understand that the proposed development will include the access road which is a link or local distributor road between Dublin Road and Shinkeen Road. The design of the access road includes two junctions or access points that will facilitate the site that is reserved for the educational campus of three schools to be developed by the Department. I am instructed that the proportion of the site within the red line boundary that is covered by the E Zoning is 7% or 0.92 hectare and 400m of the access road (out of a total of 1,080m) is located on land with the E Zoning with the remainder on land with C Zoning.

¹ Section 12.2. of the LAP states that the Ballyoulster KDA (KDA 2 – Ballyoulster) is located to the east of the town and is bound by the Dublin Road, Donaghcumper cemetery and the Ballyoulster Park housing estate to the north, the Primrose Gate housing estate and agricultural lands to the south, the Loughlinstown road to the east and the Shinkeen Road to the west.

8. I am also instructed that the proposed residential units, associated public and communal open space are all located on the lands with C Zoning. The proposed childcare facility / crèche and associated parking will be located on lands with E Zoning and this is consistent with Section 13.4 of the LAP which states that a crèche / playschool is permitted in principle in that zoning objective.
9. As set out in Section 4.9 of the Planning Report / Statement of Consistency, the urban design strategy illustrates how the proposed Phase 1 development adheres to all the key objectives for the lands as set out in the Celbridge Local Area Plan 2017-2023 and how it relates to the potential future development of the overall KDA 2 lands. I understand that the proposed Link Road / Boulevard, which is located both on 'C' and 'E' zoned lands, is clearly envisaged within the Design Concept for KDA 2 lands in the LAP.
10. The Council issued its Opinion in December 2021 as part of the SHD consultation phase. Section 10.1 of the Opinion raised concern that the proposed internal access road is 'primarily' located on lands with the E Zoning² and that the extent of this encroachment or land-take would be excessive and contrary to the land use zoning objective which seeks to provide for education, recreation, community use.
11. On p.21 of the Opinion, the Council also stated that the location of a 'significant' part of the main internal road for the Ballyoulster KDA would be located on lands with E Zoning and would materially contravene the zoning objective on this part of the site. The Council opinion also stated that the site with the E Zoning has an area of 7.2 hectares and the land take of the access is material and would be to the detriment of the delivery of the proposed schools.

² It was subsequently clarified on 11 February 2022 that the proportion of the lands with the E zoning which will be used by the access road is less than 10%.

III. Statutory Framework

12. I propose to first look at the statutory framework in the 2016 Act and then look at the specific factual circumstances in this case.
13. There are five categories of SHD specified in the 2016 Act but, for the purposes of this opinion, the definition of SHD includes the development of 100 or more houses on land zoned for residential use or for a *mixture* of residential and other uses. The category of SHD may include other uses on the land, the zoning of which facilitates such use but only if certain criteria are met.³ The starting point is whether the development meets that statutory definition.
14. There is an additional consideration of whether the development materially contravenes the Celbridge LAP. Section 9(6) of the 2016 Act provides that Board may decide to grant a permission for a proposed SHD even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.
15. Where the proposed SHD would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission where it considers that, if s.37(2)(b) of the 2000 Act were to apply, it would grant permission for the proposed development. However, 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.
16. This is a form of statutory preclusion which prohibits the Board from granting permission in material contravention of a zoning objective in a development plan or LAP and essentially goes to the jurisdiction of the Board under the 2016 Act.⁴

³ In *Morris v An Bord Pleanála* [2020] IEHC 529, Hyland J. held that the only requirements contained in the 2016 Act in respect of “other uses” are that the zoning of the land must facilitate the “other uses” and the restrictions on the scale of the “other uses” relative to the residential element of the development. It was also held that there is no statutory requirement that the “other uses” in the development are intended to serve solely the residents of the apartment development.

⁴ See for example *Redmond v An Bord Pleanála* [2020] IEHC 151.

IV. Whether the development meets the statutory definition of SHD

17. In relation to the first issue, the statutory definition of SHD is met where there is development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses each of which may include other uses on the land.
18. Where the development includes other uses, there are three conditions that must be met.
19. First, the zoning of the land must facilitate such use.
20. Secondly, other uses are only permitted if the cumulative gross floor space of the houses, student accommodation units, shared accommodation units or any combination thereof comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation or shared accommodation] to which the proposed alteration of a planning permission so granted relates.
21. Thirdly, the other uses may cumulatively not exceed 15 square metres gross floor space for each house or 7.5 square metres gross floorspace for each bed space in student accommodation or shared accommodation in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or such other area as may be prescribed.
22. In **Dublin Cycling Campaign CLG v An Bord Pleanála**,⁵ McDonald J. stated (§85) that the references to zoning in the definition in s.3 of the 2016 Act are intended to ensure that SHD will only take place on lands which are either zoned for residential use or for a mixture of residential and other uses and, furthermore, where other uses are included, they fall within the ambit of the zoning of the land in question.

⁵ [2020] IEHC 587.

23. Thus, for example, if land is zoned for a mix of residential and commercial use, a development on that land which is intended to be comprised of a mix of residential and commercial use would be capable of falling within the definition provided that the extent of commercial use did not infringe the restrictions identified above and which attach to the definition in s.3 of the 2016 Act. The judgment also states that, to the extent that the development includes other uses on the land (i.e. non-residential uses) the conditions set out in the definition must be strictly observed and there is no scope for any discretion or latitude, given the wording of ‘but only if’.
24. The High Court also followed a restrictive approach to interpreting zoning objectives in **Highlands Residents Association & Anor. v An Bord Pleanála**.⁶ The ratio of that judgment was recently followed by the High Court in **Manley Construction Ltd. v An Bord Pleanála**.⁷
25. Therefore, it seems to me that the issue can be addressed by identifying the ‘development’ for which permission is sought.
26. It is clear that the residential *units* will be solely located on lands with C Zoning and therefore no issue arises in that regard.
27. In relation to the access road, this would be deemed to be *ancillary* to the proposed residential development as it is necessary and incidental to that development which it serves.⁸
28. For example, in **Heather Hill Management Co. CLG v An Bord Pleanála**,⁹ Simons J. noted that, as roads and carparks are ancillary to a residential development, they must be characterised as residential development for the purpose of the land-use matrix.

⁶ [2020] IEHC 622.

⁷ [2022] IEHC 147.

⁸ See also *Heather Hill Management Co. CLG v An Bord Pleanála* [2022] IEHC 146 where Holland J. noted §151 that ancillary or incidental works are part and parcel of the overall development

⁹ [2019] IEHC 450 at para.119 et seq.

29. The judgment also states that it would be artificial to attempt to treat what are integral elements of a residential development piecemeal and that the use which is to be made of land is generally determined by reference to the *principal use* and uses which are ancillary to the principal use are regarded as being part of, or subsumed within, the principal use.
30. In *Heather Hill* the High Court was concerned with whether the relevant development plan would be interpreted as imposing a requirement to carry out a 'justification test' in respect of any development proposal within any area subject to the objective.
31. Insofar as the judgment was considering roads as ancillary works, it was in the context of a secondary argument that certain development works (including roads) would be carried out on particular flood zones and such works were not 'residential development' but rather should be treated as water compatible development. That argument was rejected by Simons J. on the basis that it was impermissible to exclude essential elements such as roads from the overall proposed development.
32. However, I think that, in the *specific* context of the definition of SHD, ancillary development such as roads may be provided on land zoned for residential use or for a mixture of residential and other uses, where it is servicing that development. Thus, in the case of the lands with the C Zoning here, the road is ancillary to the residential units (the primary use) and therefore the lands with C Zoning can facilitate both the proposed residential units and the distributor road which traverses those lands. In that regard, the question of whether development such as roads can be provided on lands with a primary use zoning will depend on whether such development is ancillary to that primary use and is not expressly precluded or prohibited by the primary use zoning.
33. If it was intended to expressly identify ancillary development in the 2016 Act, this would have been specified by the Oireachtas. Indeed s.40(2)(a)(iv) of the 2000 Act makes a distinction in the case of a development comprising a number of buildings of which only some have been completed, in relation to the provision of roads, services and open spaces included in the relevant permission and which are

necessary for or ancillary or incidental to the completed buildings. The definitions of ‘public infrastructure and facilities’ in s.48(17) and s.49(7) of the 2000 Act also refer to ancillary development in the context of surface water sewers and schools.

34. I also note that s.166(5) of the 2000 Act states that development that is specified in an order designating a strategic development zone (“SDZ”) shall be deemed to include development that is ancillary to, or required for, the purposes of development so specified, and may include any necessary infrastructural and community facilities and services. In other words, the Oireachtas expressly legislated to include ancillary development in development that may be established in an SDZ.
35. Section 182 of the 2000 Act also makes a distinction between particular development and ancillary apparatus in the cables, wires and pipelines, while s.212 of the 2000 Act defines development that may be carried out by a planning authority and separately identifies any services which it considers are ancillary to other types of development specified in s.212(2). Part V of the First Schedule to the 2000 Act also refers to ancillary facilities to service transport networks, while s.10(2)(b)(iv) states that a development plan must include objectives for any ancillary facilities or services which facilitate the provision of infrastructure.
36. In my view, this illustrates that the Oireachtas has chosen to expressly identify ancillary development in the 2000 Act, where it deems it relevant. There is no such reference in s.3 of the 2016 Act or any statutory requirement that all ancillary development that facilitates a residential development that otherwise comes within the scope of SHD must be on land zoned for residential use or for a mixture of residential and other uses. All that is required is that the residential *units* (referred to as ‘houses’) must be on lands so zoned.
37. Furthermore, I am not aware of any authority that ancillary development can only be provided on lands which expressly allow for it in a residential zoning use matrix. An ancillary use is a secondary or incidental use when one considers the single main purpose of the use of the land: see *Burdle v Secretary of State for the Environment*.¹⁰

¹⁰ [1972] 1 W.L.R. 1207 (as cited in *Redmond v An Bord Pleanála* [2020] IEHC 151 at para.41.

38. In my view, the ordinary person would understand the road to be ancillary or incidental to the residential units and therefore part of the residential development in the lands with the C Zoning.
39. Accordingly, it seems to me that, in the particular circumstances here where the access road will be on lands with both C Zoning and E Zoning but where the residential *units* will be on lands with the C Zoning, the road that will traverse the lands with C Zoning is ancillary to and will facilitate the residential use and the development meets the statutory definition of SHD in s.3 of the 2016 Act.

IV. Issue of Material Contravention of Lands with E Zoning

40. The second issue I have been asked to advise on is whether the development will contravene materially the lands with E Zoning because slightly less than 40% of the access road is to be located on lands with that zoning.
41. I am instructed that, in addition to the residential units which will be on land with C Zoning, the proposed access road will facilitate the future development of the lands with E Zoning which the Department intends to develop. In that regard, it could *also* be considered that the access road will be *ancillary* to further development on the lands with E Zoning although that is not the subject of the proposed SHD application.
42. It appears to me that the issue can be determined by considering the land use zoning matrix in Section 13.4 of the LAP and having regard to the ordinary principles that apply when interpreting a development plan.
43. In short, those principles are that the provisions of the plan fall to be interpreted as they would be understood by a reasonably intelligent person having no particular expertise in law or town planning: see **Re X.J.S. Investments Ltd.**¹¹ and **Lanigan v Barry**¹².

¹¹ [1986] I.R. 750.

¹² [2016] 1 I.R. 656.

44. In **Redmond v An Bord Pleanála**¹³, Simons J. described those principles as reasonably well-established and also stated (§84 of the judgment) that the circumstances where the interpretation of a development plan, and, in particular, the determination of whether or not a proposed development would involve a material contravention of the development plan, is a question of law for the court, then the views of neither the planning authority nor An Bord Pleanála can be decisive.
45. In another recent decision of the High Court in **Clonres CLG v An Bord Pleanála**¹⁴, the court stated that the standard of the reasonably intelligent person who is not an expert in law or town planning should be refined or qualified. Thus, consistent with the ‘text in context approach’ identified in **Lanigan v Barry**¹⁵, planning documents should be read, having regard to their ordinary meaning, in the context in which they arise, and where appropriate with due regard to the purpose of the document.¹⁶
46. Having regard to those principles, it seems to me that the starting point is the interpretation of the Celbridge LAP to determine whether the E Zoning permits the proposed access road.
47. Section 13.3 of the LAP sets out the land use zoning objectives for Celbridge which should be read in conjunction with the definition section in Table 13.2 and the land use zoning objectives in Table 13.1. Table 13.1 states that the purpose of the E Zoning is to provide for education, community, zoning and health. Land uses which are not permitted (N), uses which are permitted in principle (Y) and uses which are open for consideration (O) are identified in the land use zoning matrix in Table 13.3 of the LAP. The zoning matrix illustrates a range of land uses together with an indication of their broad acceptability in each of the land use zones.

¹³ [2020] IEHC 151.

¹⁴ [2021] IEHC 303.

¹⁵ [2016] 1 I.R. 656.

¹⁶ The High Court subsequently refused leave to appeal on that proposed refinement: see *Clonres CLG v An Bord Pleanála* [2022] IEHC 42. However, the developer (Crekav) has applied to the Supreme Court for leave to appeal: that application is still pending.

48. Section 13.4 of the LAP states that it is an objective of the Council to carry out its development management function in accordance with the matrix for each zone. It also states that uses *other* than the primary uses for which an area is zoned may be permitted provided they are not in conflict with the primary use zoning objective.
49. The uses which are *not* permitted in the E Zoning are listed in Table 13.3 in Section 13.4 of the LAP and do not include a land use which is equivalent to the proposed access road.
50. I also note that, in reference to the Ballyoulster KDA, it states that vehicular access to this KDA should be provided from the Dublin Road, Shinkeen Road and the Loughlinstown Road and should provide for continuous routes through the KDA that connect to surrounding areas.
51. In my view, the proposed access road from the Dublin Road to the Shinkeen Road does *not* materially contravene the E Zoning in the Celbridge LAP for the following reasons.
52. First, the land use zoning matrix in Table 13.3 of the LAP does not expressly exclude the proposed access road or describe it as a land use which is not permitted. In fact, the matrix is silent on whether an access road would be permitted as a land use. As Section 13.4 states that uses other than the primary uses for which an area is zoned may be permitted provided that they are not in conflict with the primary use zoning objective, I think that an ordinary reading of Section 13.4 could infer that the proposed access road is not in conflict with the stated land uses and would be acceptable in principle and therefore not in material contravention.
53. Secondly, if the proposed access road is ancillary to the proposed residential development and is not what might be termed as a 'primary' use which is in conflict with the E Zoning. In other words, ancillary infrastructure which will facilitate the residential development on the lands with the C Zoning does not necessarily materially contravene the E Zoning as it is a secondary or incidental use and will also facilitate future development in that E Zoning.

54. In that regard, I note that in **Redmond v An Bord Pleanála**¹⁷ Simons J. stated (§64 of the judgment) that whereas the label “zoning objective” as employed under a development plan will usually coincide with the legal concept of a zoning objective, the label cannot be conclusive, and the concept of a zoning objective is a term of art under the planning legislation.
55. Thirdly, I am instructed that the location of the access road is consistent with the Development Strategy that was prepared for the KDA-2 lands in consultation with the Council and the Department and will also facilitate the lands with E Zoning which will be separately developed by the Department on a phased basis. In other words, the proposed access road will serve a *dual* purpose of facilitating the residential development on the lands with C Zoning which are being developed on a phased basis and the lands with E Zoning which the Department will develop and which are reserved for that purpose. In practical terms, this is illustrated by the fact that the proposed access road includes pedestrian and cycle links to serve both the proposed residential development and the future development of the lands with the E Zoning and will have two access points to facilitate the lands with E Zoning.
56. Fourthly, I understand that the Department is in support of the proposed access road and has provided a letter of support as part of the pre-application phase and that the proposed access road was envisaged within the KDA-2 Design Concept in Figure 12.1 of the LAP.
57. In my view, a person who was apprised of all the facts would understand that the proposed access road will ultimately serve both the residential development and the lands with E Zoning and is therefore ancillary infrastructure for both.
58. For the reasons set out above, the proposed access road is not in material contravention of the lands with E Zoning.

¹⁷ [2020] IEHC 151.

VI. Summary

59. In conclusion, it appears to me that the proposed development does not breach the definition of SHD in the 2016 Act insofar as that refers to the development of 100 or more *houses* on land zoned for residential use or for a mixture of residential and other uses and the access road will be an ancillary use that will facilitate the residential development which will take place on lands with the C Zoning.

60. Secondly, the proposed access road is not in material contravention of the lands with the E Zoning and the Board is not precluded from granting permission for the proposed development under s.9(6)(b) of the 2016 Act.

David Browne BL

14 June 2022

APPENDIX 2 – RECORD OF PRE-APPLICATION CONSULTATIONS

S.247 Pre-Planning Meeting 26th August 2021

KCC Attendees: Eoghan Lynch (Senior Executive Planner), Amy Granville (Senior Planner), Patrick Harrington (Senior Executive Architect- Housing), George Willoughby and Siobhan O'Dywer (Transportation), Colm Flynn and Earnan McGee (Environment), Chanel Ryan (Fire Service), Sinead Bonner (Planning Admin)

The main points raised and discussed during the course of the formal pre-application meeting are summarised below:

1. Planning Matters / Kildare Development Plan Variation 1

The Planning Authority advised a Material Contravention Statement will be necessary for the SHD application in relation to Variation 1 of the Development Plan, the Core Strategy and the housing allocation for Celbridge. This should expand on the wider case with regards the existing permissions in Celbridge and also look at the how Celbridge has performed poorly with a low delivery of units (c. 151 units) over the last few years. The MC Statement should explain the delivery programme for the proposed development and emphasise the Phase 1 forms part of a comprehensive development, with good transport links. The community element will also be important and the interaction with the school. It was noted that the subject site was considered a critical site in Celbridge.

2. Design / Layout

The Planning Authority raised concerns and queries regarding the design / layout:

- Further information requested on the access and drop off facilities for the school.
- Site A is lacking in smaller open spaces / access to open space. Further consideration required in terms of the connections and the level of semi-private open space. The Planning Authority advised that the phase needs to be able to stand on its own.
- Further consideration is required on the southern boundary to provide a more meaningful link, and modify the blocks for a better sense of enclosure.
- Further consideration is required on the western part of the site as the surface parking is considered excessive, and if there is any more potential to allow for breathing spaces / play areas within / around the five blocks. As part of this the central block shared garden is considered to be too restricted.
- In Site B, concern was raised with the dwellings / extent of boundary wall along the southern stretch of the boulevard adjacent to the local park. Further consideration required as this is a key part of the site and a potential location for a statement building that more appropriately addresses the park.
- Requested clarification if 4 no storeys were proposed. No planning objection in principle, however LAP does have a statement referring to 2-3 no. storeys. This could be addressed in the MC Statement if four storeys are proposed.

3. Transport Matters

KCC Transportation Section issued detailed comments to the project engineers. Key elements included:

- More information required on the bigger picture with the school development (indicative design, traffic impact, timeline for phasing works etc). This should also be incorporated within the TTA
- Given the traffic issues in Celbridge already, the TTA should address the worst case scenario and consider the wider KDA 2 lands

- Further consideration required on linkages for vulnerable road user facilities and widths of streets to be considered
- Potential for a need for signalised junctions – to be informed by the TTA
- Requirement for 10% visitor parking spaces and also electric charging points
- Landscaping to be co-ordinated with public lighting.
- Also referred to objective MT03.20 linking Loughlinstown Road to R405 Hazelhatch and it will have to be delivered to allow dispersion of traffic movements [Note to be clarified with KCC that this will be delivered as part of future phases).
- TTA would need to address phasing of development and likely timeframe for delivery of various elements (relevant to EIAR also)
- The development should demonstrate compliance with DMURS
- A noise impact assessment will be required
- Parking should meet the development plan standards
- Concern was raised regarding the uncontrolled crossing on boulevard given the schools
- Additional information required on circulation / drop off within the proposed schools, and to ensure it would not lead to parking in the residential areas

4. Drainage Matters

The Planning Authority advised more detail required on servicing and network upgrades.

KCC Drainage were not in attendance at the meeting, but issued comments by email. This identified the current waste water connection issues and need to work with Irish Water.

5. Part V Provision

- The Planning Authority advised the Part V units should be pepper potted throughout the development and preference for own door units and maisonettes.
- Option for the Part V to be delivered by an AHB, however, if this is being considered KCC want to be involved in any discussions.

6. Other Points

- The Planning Authority advised to engage with the Parks section regarding the landscaping and advised there is a preference for durable, paved surfaces.
- Fire Service require auto tracking, fire hydrants no more than 46m from any building and advised of their water supply requirement.
- Environment Section noted the development should make suitable accommodation for bins for every property. For duplex / apartments this needs to be in controlled areas in the confines of the premises. Also any changes in levels should be clearly set out, and need for normal waste management plans with other aspects (surface water management plan etc) to be conditioned.

S.247 Pre-Planning Meeting 7th April 2022

KCC Attendees: Eoghan Lynch (Senior Executive Planner), Louise Murphy, Amy Granville (Senior Planner), George Willoughby and Joe Keane (Transportation), David Hall (Water Services) and Earnan McGee (Environment), David Lee (Irish Water), Carmel O'Grady (Parks)

The main points raised and discussed during the course of the formal pre-application meeting are summarised below:

Revised Design Concept / Proposed Layout

- Overall layout better considered, basic issues have been addressed and there is a better sense of place
- Consider how pedestrian link can facilitate crossing the road and priority to the pedestrians
- Relationship of duplex block- how are views terminated / consider gable ends, pinch point at the riparian strip / no hanging balconies

Landscape / Open Space Matters

- If proposing allotments, further information required on ongoing management and who would manage them – concerns dependent on the individual
- Consider passive and active uses
- Further consideration on how units to the west of the public open space in Site A interact with the open space
- There is an opportunity and need for a large formal playground, in addition to natural play opportunities
- Need rationale / play integration to all spaces
- 2 no. full size playing pitches required
- In principle the location of the open spaces are agreed

Transport Matters

- Ideally require cycle way on both sides of the internal access road but understand the rationale for why this is not proposed. Footpaths both sides of the roads are fully supported. Need to consider formal crossing points
- Further consideration required for improving Dublin Road footpath- connection to the town centre, appreciate not straight forward, but need to consider any scope for improvements. Appreciate it is a challenge, with limited frontage and as a minimum incorporate infrastructure to the frontage of the site / inside of the hedge.
- Road safety audit to be completed
- Bound surfaces required with no timber edges for footpaths (Parks requirement)
- Access road and horizontal curvature – need to demonstrate it meets guidelines
- TTA should include the school and the level of traffic and future development.
- Consider permeability and passive surveillance – dual aspect / overlooking
- Ensure allowance future road objectives
- Consider further the junctions / passive surveillance / pinch points

Drainage Matters

- OPW S.50 consent required for any culverts
- Revised SSFRA required – justification test, compensatory flood storage may be required
- Water services masterplan required for the whole site, it should not be a piecemeal approach
- Irish Water to review latest correspondence and respond

Planning Matters / Principle of Development

- Query on the density calculation, overall agreed with the approach
- Maintain concerns on the land zoning and the extent of the access road in the 'E' zoned lands.

Other Points

- Further consideration of boundary treatment and the different character areas- stone wall Site B, introduce a level of stone / red brick – reflect local context
- Discussion on the childcare facility and if it in the right location, and where will future facilities be located. Need a strategy for the overall approach.

- Surface water to be considered within the CMP
- Noise chapter in EIAR to consider the childcare facility
- OWMP required to avoid fly tipping

APPENDIX 3 – CELBRIDGE RESIDENTIAL PLANNING PERMISSIONS AND HOUSING UNIT ALLOCATION

Table 1: Extant Residential Permissions (Granted since the 1st January 2020)

| | KDA Estimated Capacity | No. Units Permitted | Density | No. Units Built (December 2021)** |
|---|---|--|----------|-----------------------------------|
| SHD Permissions* | | | | |
| Townland of Crodaun, Celbridge (ABP Ref.: 306504-20, as amended by S. 146B ABP Ref.: 309361-21) Parent permission granted 3 rd September 2020 Part of KDA 4 | 600 no. units in total / 30 uph (KDA 4) | 352 (reduced from 372 under the S. 146B amendment) | 40.5 uph | 0 (Construction ongoing) |
| Crodaun, Celbridge (ABP Ref.: 307100-20)* currently subject to a JR Granted 8 th September 2020 Part of KDA 4 | 600 no. units in total / 30 uph (KDA 4) | 467 | 43 dph | 0 |
| S.34 Applications Permitted | | | | |
| Newtown Townland, Celbridge, Co. Kildare (Reg. Ref.: 181481 and ABP Ref.: 305886-19) Granted by ABP 22 nd December 2020, following refusal by KCC on 14 th October 2019 on traffic matters | n/a | 55 (reduced from 58 as part of the FI Response) | 32 uph | 0 |
| Phase 3, Oldtown Mill, Celbridge, Co. Kildare (Reg. Ref.: 191282) Final granted issued by KCC on 21 st July 2020 | n/a | 75 | 34 uph | 0 (Construction ongoing) |
| Total | | 949 no. units | | 0 no. units |

* SHD Permission ABP Ref.: 303295-18 (Land at Shackleton Road, Oldtown, Celbridge, Co. Kildare) was granted on the 12th April 2019 prior to the adoption of Variation 1 and therefore is not included in the above figures. This was confirmed by KCC during the Stage 2 Tripartite meeting, that the cut of date is the 1st of January 2020.

**Figures derived where available from 'Report on Finished, Unfinished & Estates under Construction (December 2021)

Table 2: Remaining Housing Allocation (Based on extant permissions)

| | Housing Target | Minus Permissions (No. of Units) | Remaining Allocation |
|---|----------------|-------------------------------------|-------------------------|
| Dwellings Target 2020 to 2023 | 603 | 949 | Minus 346 |
| NPF 2026 Pop Growth in housing units (CDP Variation 1) | 1,406 units | 949 | 457 |

Table 3: Remaining Housing Allocation (Based on unit completions)

| | Housing Target | Minus Completions to July 2021 (No. of Units) | Remaining Allocation |
|---|----------------|---|-------------------------|
| Dwellings Target 2020 to 2023 | 603 | 0 | 603 |
| NPF 2026 Pop Growth in housing units (CDP Variation 1) | 1,406 units | 0 | 1,406 |

APPENDIX 4 – LETTER FROM AGENT

Mr. Kieran Curtin
Statutory Receiver over certain assets of
Maplewood Development Unlimited Company (in receivership)
C/O HWBC Allsop
80 Harcourt Street
Dublin 2

13th June 2022

Sent via email: Kcurtin@hwbc.ie

Sherry FitzGerald
Brady O'Flaherty

Main Street, Maynooth,
Co Kildare W23 YF13
T: +353 (0)1 651 0000

E: info@sbradyoflaherty.ie
sherryfitz.ie

Re: Lands at Donaghcumper, Celbridge, Co. Kildare.

Dear Kieran,

Many thanks for sharing the most recent proposed unit mix for the Planning Application in respect to the above lands as provided by John Spain & Associates.

Having reviewed same and the relevant information provided which indicate the proposed scheme will entail 344 no. residential units in total, which a breakdown is as follows;

| Type | Number of Units | Percentage of overall scheme |
|----------------------------|-----------------|------------------------------|
| 3 & 4 bed houses | 130 | 38% |
| Apartments & Duplexes | 214 | 62% |
| Overall total no. of units | 344 | 100% |

Based on our extensive local market knowledge of both the Second-hand and New Homes market and indeed the current market demands for housing in Celbridge, we are confident that the proposed unit mix as indicated is appropriate to assist in meeting current market demands in the area.

The residential market presently in Celbridge is under supplied with strong demand, particularly for two and three bedroom homes. There are currently only 29 properties listed for sale on daft.ie today in Celbridge. Also, two large new developments which are currently under construction in Celbridge have already achieved significant pre-launch sales due to the level of the enquiries received.

The advice is provided in an agency advisory capacity. If you have any queries or wish to discuss same in further detail, please do not hesitate to contact me.

Yours sincerely,



Eamon O'Flaherty FIPAV MCEI TRV
Sherry FitzGerald Brady O'Flaherty