

**Statement of Response to ABP's Pre-Application
Opinion under ABP Ref.: 311958-21**

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)**

June 2022



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TABLE OF CONTENTS

1.0	INTRODUCTION	2
2.0	RESPONSE TO AN BORD PLEANÁLA OPINION	2
3.0	CONCLUSION	21

DOCUMENT CONTROL SHEET

Client:	Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership)
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1.0 INTRODUCTION

This Statement of Response report seeks to address individually the issues / items raised within the Opinion of An Bord Pleanála, issued on the 2nd March 2022, following the tripartite pre-application consultation in respect of the proposed development.

This Statement will refer to other documentation which forms part of the final SHD application pack and will direct the reader to the relevant information within the application documentation, which demonstrates that the issues raised during the course of pre-application consultation have been fully and satisfactorily dealt with prior to the submission of this final Strategic Housing Development application.

2.0 RESPONSE TO AN BORD PLEANÁLA OPINION

The Opinion of An Bord Pleanála on the pre-application stage for the proposed development was issued on the 2nd March 2020. The Opinion sets out three specific items requiring further consideration by the applicant and design team. The Board consider that these items need to be addressed in the final documentation submitted to the Board in order to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development.

The three items raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

The Board also set out eight items of further specific information which were to be provided as part of the final planning application. Documentation has been prepared or updated in response to this request to ensure that the Board will have all the information it requires to come to a reasoned decision on the proposed development. A summary of the responses provided to each of these specific points is also set out within this section.

2.1 Item 1 – Hazelhatch Flood Extents Study 2021

Item No. 1 of the Board's Opinion relates to the findings of the Hazelhatch Flood Extents Study 2021 and the impacts on the layout and reads as follows:

“1. Further consideration of, and possible amendment to the drawings and design proposals submitted, having regard to the findings of the Hazelhatch Flood Extents Study 2021 (KCC) and the impacts on the layout and extent of development proposed on the site. A revised Site-Specific Flood Risk Assessment should accompany the application which has full regard to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities in this regard.”

Response

In response to this item, a Site Specific Flood Risk Assessment (SSFRA) prepared by McCloy Consulting is submitted with the application and has informed the final scheme layout and design. In order to address the findings of the Hazelhatch Flood Extents Study 2021 (KCC) and subsequently the results of the SSFRA, the proposed layout has been revised following the pre-application stage in response to the above request. A detailed response on how the flood risk assessment has impacted on the layout and the extent of development proposed on the site, in

addition to the amendment of the drawings and design proposals, has been prepared by OMP Architects, in association with the design team, and is included in their Design Statement.

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.

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.

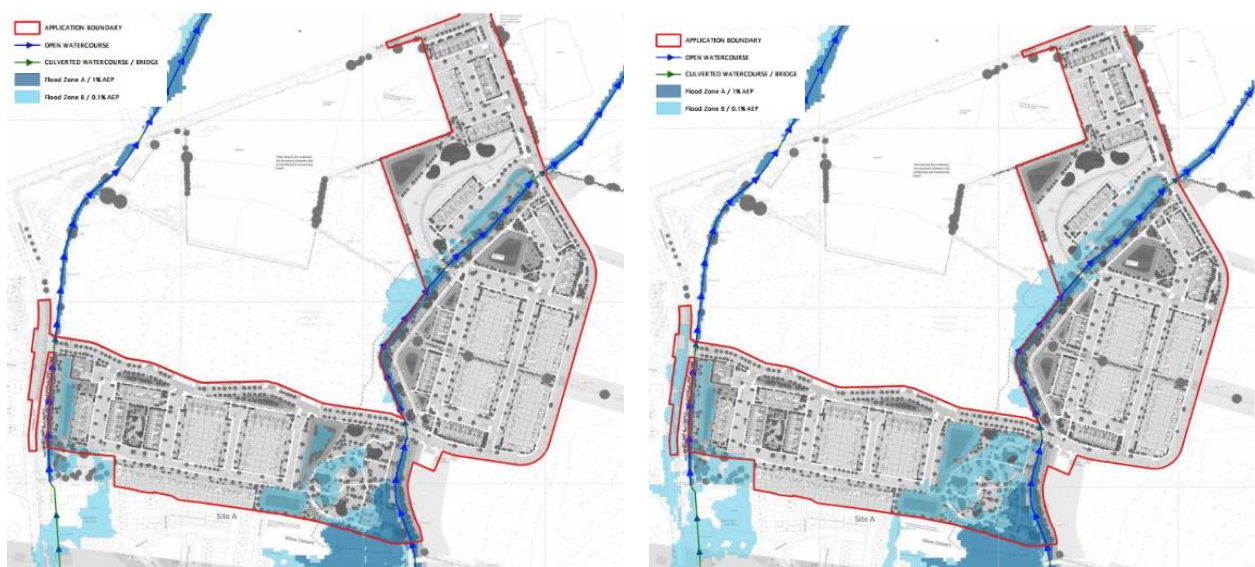


Figure 1: Flood Extents Map – Present Day and Climate Change Scenarios (Source: SSFRA)

As a result of the updated flooding information, as discussed further below, 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.

Further details on the revisions to the layout from pre-application stage are set out in the Design Statement prepared by O'Mahony Pike Architects. In summary, the updated flood maps 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. To help inform this OMP prepared an urban design strategy to ensure the proposed Phase 1 development continued to adhere to all the key objectives for the lands as set out in the Celbridge Local Area Plan 2017-2023 and demonstrate how it relates to the potential future development of the overall KDA 2 lands.

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 of the LAP sets out a Design Concept for the lands, which includes a central local park, and this informed the site strategy for the layout submitted to An Bord Pleanála as part of the pre-application stage. The LAP (Section 12.2) acknowledges 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 that *'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).

Given the flooding constraints, as informed by the SSFRA, and the archaeology constraints, as informed by the testing trenching, the scheme architects, OMP, prepared an amended Design Concept diagram for the KDA2 lands as illustrated in Figure 2 below to ensure 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.



Figure 2.: OMP Amended Design Concept for the KDA2 Lands (Source: OMP Design Statement)

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.'*

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.



Figure 3: Proposed Landscape Masterplan

Furthermore, it is considered that 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.

2.2 Item 2 – Zoning of the Development Site

Item No. 2 of the Board's Opinion relates to the zoning of the development site and states the following:

***“2. Further consideration of the documents submitted, to include a detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposed development complies with local planning policy, having specific regard to the zoning of part of the proposed development site as objective E: Community & Educational. Such statement should have regard to the definition of Strategic Housing Development under section 3 of the Planning and Development (Housing) & Residential Tenancies Act 2016, and section 9(6)(b) of the Act which provides that the Board shall not grant permission where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.*”**

Response

We refer to the Statement of Consistency / Planning Report prepared by John Spain Associates which provides a detailed response to Item No. 2 of the Board's Opinion having regard to the zoning objectives set out in the Celbridge Local Area Plan 2017-2023, and which is summarised below.

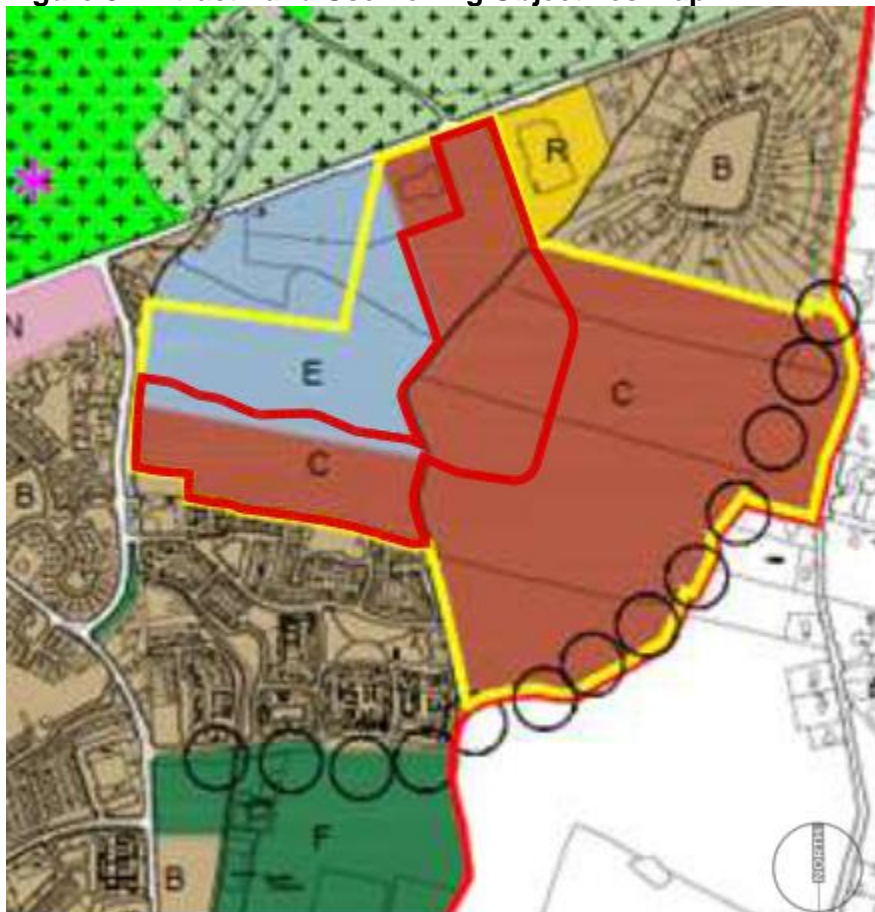
Zoning Objectives

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'. The lands are identified within the Celbridge Local Area Plan 2017-2023 as part of a key development area 'KDA 2 Ballyoulster'.

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.

As discussed below, 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.

Figure 3: Extract Land Use Zoning Objectives Map



Source: Celbridge LAP

Residential Development and Childcare Facility

As illustrated in Figure 4 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.

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.

Figure 4: Extract Site Layout Plan – Land Use Zoning identified by a pink dashed line



Source: OMP Design Statement

Proposed Access Road

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 4.

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.

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.

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.

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.

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.

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.

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 the Planning Report and Statement of Consistency. In summary, the Legal Opinion 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.

Strategic Housing Development Definition

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'.

The above referenced 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 (Appendix 1 of the Planning Report and Statement of Consistency) 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 that 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.

2.3 Item 3 – Settlement Strategy

Item No. 2 of the Board’s Opinion relates to the settlement strategy set out in the Kildare County Development Plan (Variation no. 1) development and states the following:

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

Response

In response to this item, we refer to the Statement of Material Contravention and the Statement of Consistency / Planning Report prepared by John Spain Associates which elaborate further on the consistency with the settlement strategy set out in the Kildare County Development Plan (Variation no. 1). A seven year permission for the proposed development is sought and a further justification is provided below.

The Kildare County Development Plan 2017-2023 was 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.

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*

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 5: 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

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 south 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 (for which an application is expected to come forward in the next 18 months).

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. (See the Statement of Material Contravention Appendix 1 for a breakdown). 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.

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 of the Statement of Material Contravention, 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.

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 the Statement of Material Contravention Appendix 1 for a breakdown). Assuming the remaining permitted units will be completed by 2026, (as set out in Appendix 1 of the Statement of Material Contravention) there would be a remaining residential allocation of c. 457 no. residential units to 2026.

It is recognised there is an undecided SHD application 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.

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 considered to be 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.

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.

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).

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 in greater detailed Statement of Consistency / Planning Report.

Notwithstanding the above and the fact that the development is intended to be built out over the period 2024-2029, 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, i.e. the Core Strategy of the current plan, a justification for same is set out in Statement of Material Contravention, with reference to other relevant SHD permissions from the Board.

A seven year permission for the proposed development is sought. This is considered appropriate given the scale and nature of the proposed development, the town centre environment, 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 from a development management perspective it is considered appropriate to request a duration beyond the typical five year permission for this application and appropriate to seek a seven year duration for the implementation of this permission.

2.4 ABP REQUEST FOR SUBMISSION OF SPECIFIC INFORMATION

The Board's Opinion set out requirements for further specific information to be provided by the applicant under eight items, which are outlined below, with a summary response to each provided with reference to accompanying application documentation.

- 1. Detailed phasing proposals for the development which should include all associated road and infrastructure works, public amenity spaces and social infrastructure. The proposed phasing strategy shall address the extent of landscaping works to be undertaken within the Local Park in each phase and its on-going maintenance pending further development within the KDA.***

Response

We refer to the architectural drawing no. 20007-OMP-ZZ-PH-DR-A-1009 'Proposed Construction Phasing Plan', 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 6 and Table 1 below.

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.

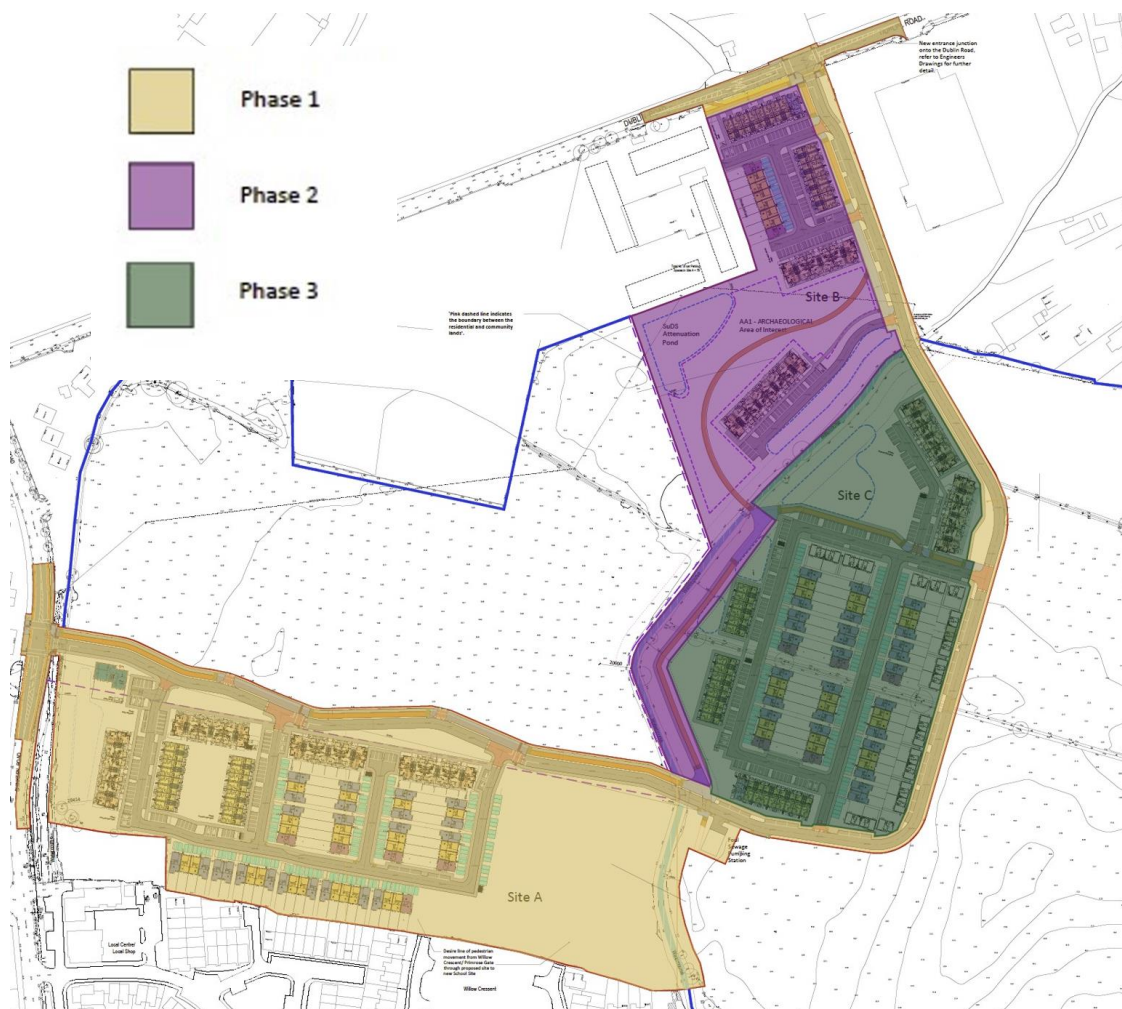


Figure 6: Proposed Phasing

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.

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.

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.

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 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

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.

2. A plan clearly identifying areas intended to be taken in charge by the local authority.**Response**

We refer to drawing no. KDA-07 'Taken in Charge Plan' prepared by Bernard Seymour Landscape Architects which demonstrates the areas within the site which are planned for taking in charge by the Kildare County Council.

3. A report that specifically addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments. Particular regard should be had to the requirement to provide high quality, durable and sustainable finishes which have regard to the context of the site.**Response**

We refer to Section 2.6 of the Design Statement prepared by OMP and Sections 1.6 to 1.7 of the Landscape Strategy Report prepared by BSLA which addresses the proposed materials and finishes to the scheme, including specific detailing of external finishes, landscaping and paving, pathways, entrances and boundary treatments.

In summary, the Design Statement confirms that the architectural approach to both the site layout and unit typologies was reviewed and all elevations have been addressed and revised to provide clear built forms and massing which respond to their specific context, addressing corners, entrances and will provides a rhythm to the streetscape and park settings. A controlled palette of materials is proposed across the development of brick, render, aluminium windows and doors, railings and tiled roofs applied to domestic pitched roof forms which are efficient in terms of buildability and also for residents to maintain and extend in the long term.

The Landscape Strategy Report and accompanying drawings demonstrate the high quality paving and surfaces proposed, in addition to boundary treatment which seeks to retain existing hedgerows and trees as much as possible.

The Building Lifecycle Report submitted with the application demonstrates that co-ordination with the extended design team has informed the scheme design and ensures the materials proposes provide for quality, longevity, maintenance and usability.

4. A rationale for the siting, design and layout of the proposed entrance from the Dublin Road, having regard to the status and function of the proposed boulevard serving this wider KDA and key community and educational uses for the town**Response**

In response to this item, we refer to the Traffic and Transport Assessment prepared by DBFL and the Architectural Design Statement prepared by OMP.

The subject proposals include for the provision of a new 6.5m wide "Local Distributor Road" between the aforementioned site access junctions located on Shinkeen Road and Dublin Road. 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. 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 proposed local distributor road through the subject KDA2 lands has been designed to reduce vehicle speeds through frequent accesses and changes to horizontal and vertical alignment

The TTA explains that the Dublin Road junction access has been positioned taking cognisance of the existing local access located opposite the subject site boundary on the Dublin Road corridor. By providing for a staggered junction, a right turn pocket can be accommodated into this existing private access whilst maximising the right turn lane length for vehicles entering the proposed development site. Maximising the right turn lane length future proofs this junction for potential future vehicle demand once the future schools and wider KDA2 lands are developed.

Furthermore, the location of the access road was located further eastward in response to the archaeological features on site and to minimise any impact on the largest archaeological feature (referred to as AA1). This also allows for sufficient space to provide a future access to link the road from the adjoining lands to the west of the subject site.

The Design Statement also demonstrates how the submitted scheme has been revised to ensure a strong streetscape is proposed with the location of a terrace of 3 no. storey duplex units to the Dublin Road. A nodal corner building is proposed at the entrance to the lands and this will orientate the visitor and provide an active frontage to both the Dublin Road and the new entrance.

5. Plans and details describing how the proposed development provides for, and will relate to, potential future development of residentially zoned third-party lands along the Dublin Road frontage, within the Ballyoulster KDA 2.

Response

The site layout plan 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, including the potential future development of the residentially zoned third party lands along the Dublin Road frontage.

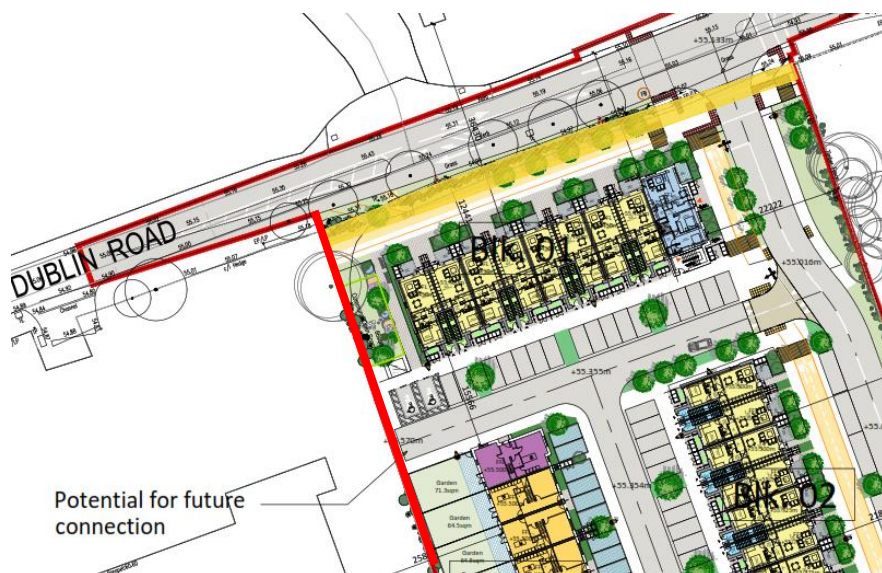


Figure 7: Extract Site Layout Plan Potential Future Connection

We also refer to Section 2.4 of the Design Statement prepared by OMP which has undertaken a feasibility study to demonstrate that the proposed development has been designed to ensure it does not prejudice the provision of vehicular or pedestrian access or key infrastructural services to adjoining lands.

- 6. A report responding to the matters raised in the report of the Kildare County Council Transportation Department dated 25/11/2021. The report shall include, inter alia, the following:**
- a) Details of proposed junction design at Shinkeen Road and Dublin Road, including proposals for signalisation where required.**
 - b) Proposals to address the lack of pedestrian and cycle facilities along the Dublin Road.**
 - c) A Quality Audit in accordance with Advice Note 4 of DMURS. Such audit should consider the quality of pedestrian and cycle connections to services and amenities in the surrounding area.**
 - d) A parking management plan.**
 - e) A Travel Plan / Mobility Management Plan.**
 - f) A Construction Traffic Management Plan which should have regard to the proposed phasing of development under item no. 3 above.**

Response

We refer to the Traffic and Transport Assessment 'Appendix E' which provides a full response to Item no. 6 and the matters raised in the report of the Kildare County Council Transportation Department dated 25/11/2021. Specific to items (a) to (g), the following is confirmed:

- (a) Section 4 of the TTA provides a detailed description of the proposed site access junctions which are proposed to be signal controlled in response to the KCC Opinion and in the interest of provision for vulnerable road users.
- (b) The building line along the Dublin Road corridor has been set back to ensure appropriate cycle and pedestrian facilities can be introduced in the future by the Planning Authority. Whilst no scheme has been developed to date by the Planning Authority, this allows for sufficient space that will be compatible with numerous potential future cycle schemes on 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. Should an alternative arrangement be preferred, 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. The subject scheme proposes the provision of 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. This north-south pedestrian / cycle link will be further extended southwards as part of the Phase 2 development on the wider KDA 2 lands as far as the future Roads Objective MTO3.9.

- (c) A Quality Audit (inc. Road Safety Audit) has been undertaken by an independent Auditor (Bruton Consulting Engineers) and is submitted as part of this planning application.
- (d) A parking management plan is outlined in Section 4 and Appendix D of the TTA
- (e) A Mobility Management Plan has been submitted as part of the subject planning application (Report No. 180221-DBFL-TR-XX-RP-C-0006 MMP)
- (f) A Preliminary Construction and Environmental Management Plan has been included as part of this planning application (Report No. 180221-DBFL-XX-XX-RP-C-0004-CEMP).
- (g) The Preliminary CEMP confirms that a Construction Traffic Management Plan will be prepared and this will be compiled by the contractor prior to commencement of construction.

The proposals were the subject of further discussions with KCC prior to lodgement and matters were agreed where possible.

7. A report addressing the matters raised in the report of the Water Services Section of Kildare County Council, dated 26/11/2021.

Response

We refer to Appendix E of the Infrastructure Design Report (IDR) which provides a full response to Item no.7. The IDR and the SSFRA also provides further information in respect of surface water drainage, flood risk, foul drainage and water supply. The proposals were subject to further discussion with KCC prior to lodgement of the application and matters were agreed where possible.

8. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 unless it is proposed to submit an EIAR at application stage.

Response

An Environmental Impact Assessment Report is submitted with the application. While not required under Part 23 of the Planning and Development Regulations 2001-2022, a brief account of how the results of other relevant assessments, i.e. addressing the Article 299B requirement, considered in the preparation of the EIAR is included as Appendix 1.1 to Chapter 1 'Introduction' of the EIAR.

3.0 CONCLUSION

In conclusion, it is respectfully submitted that all the issues raised by An Bord Pleanála in their Opinion on the pre-application have been comprehensively and successfully addressed prior to the submission of this final application to the Board. This statement of response should be read in conjunction with the comprehensive documentation accompanying this SHD application.

The key measures undertaken to address the Board's concerns are set out in Section 2 above and can be summarised as follows:

- A revised Site Specific Flood Risk Assessment (SSFRA) prepared by McCloy Consulting is submitted with the application and has informed the final layout and scheme design.
- In order to address the results of the SSFRA, the proposed layout has been revised following the pre-application stage in response to the above request to ensure the

proposals are developed in accordance with the Flood Zones at 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. However, the revised proposals have also sought to ensure the proposed Phase 1 development continues to adhere to all the key objectives for the lands as set out in the Celbridge Local Area Plan 2017-2023 and demonstrate how they relate to the potential future development of the overall KDA 2 lands.

- Further information is provided in the Planning Report and Statement of Consistency on the zoning objectives to confirm that the link access road which will facilitate the proposed Phase 1 residential development, and future schools campus, 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
- The Statement of Material Contravention and the Statement of Consistency / Planning Report prepared by John Spain Associates elaborates further on the consistency with the settlement strategy set out in the Kildare County Development Plan (Variation no. 1). A seven year permission for the proposed development is sought and a justification for this duration of permission is provided.

The proposed Strategic Housing Development on lands at Ballyoulster and Donaghcumper, Celbridge, Co. Kildare, represents an opportunity to deliver an appropriate density of residential development and supporting roads and open space infrastructure on lands zoned for such purposes under the Local Area Plan.

The proposed scheme is considered to be in accordance with national, regional and local planning policy and provides an appropriate design and layout, scale of development which has regard to the surrounding context, and does not result in any unacceptable adverse impacts in respect to residential amenity, transport, drainage, heritage, trees, and ecology, which have informed the development proposals.

The SHD process seek to deliver on key government objectives to address the housing supply issue in a sustainable manner, and the development of residential zoned lands in Celbridge, a 'Self Sustaining Town', with access to frequent public transport, in a development with a very high quality urban, architectural and public realm design, is considered to fully align with Government policies and objectives. Having regard to the above, the assessment provided in the TTA, the availability of other services and the zoning of the land, it is respectfully submitted that the Board should grant a seven year permission for the proposed development on the subject site.

It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines and therefore should be granted planning permission in this regard.