DM

DAVID MULCAHY
PLANNING CONSULTANTS LTD

67 The Old Mill Race, Athgarvan, Co. Kildare

PH: 030 405030/086 350 44 71
E-mail: david@planningconsultant.ie
www.planningconsultant.ie

Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy

PLANNING REPORT & STATEMENT OF CONSISTENCY

CONCERNING

PROPOSED 272 UNIT RESIDENTIAL DEVELOPMENT & CHILDCARE FACILITY

AT

BOYCETOWN, KILCOCK, CO. KILDARE

Applicant: Ms. Teresa Monaghan

2nd September 2022

TABLE OF CONTENTS

1.0 Introduction.

2.0 Site Location & Description.

3.0 Planning History.

4.0 Proposed Development.

5.0 Consistency with ministerial planning guidelines & other relevant strategic planning policy.

6.0 Consistency with development plan & local area plan.

7.0 Environmental

8.0 Conclusion.

All maps are orientated due north.

1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been instructed by **Teresa Monaghan** ('the applicant') to prepare a planning report and statement of consistency to support a planning application to An Bord Pleanála concerning a proposed residential development for **272 residential units, childcare facility pumping station** and associated development on lands measuring **9.75 hectares** at Boycetown, Kilcock, Co. Kildare.

The site is primarily zoned 'New Residential' under the Kilcock LAP 2015 – 2021, with two minor elements at the south and north-west zoned 'Open Space & Amenity'.

Given that the scheme contains over 100 dwelling units this application is being made directly to An Bord Pleanála under the Strategic Housing Planning and Development (Housing) and Residential Tenancies Act 2016.

The purpose of this report is to describe the planning context including receiving environment, planning history, outline the proposed development and demonstrate how the proposal is consistent with the relevant s.28 planning guidelines and local policies and objectives (statement of consistency).

2.0 SITE LOCATION AND DESCRIPTION

2.1 Site Location

The site is located to the north-west of Kilcock town centre, close to Junction 8 on the M4 motorway, with significant frontage onto the R148 (to the north) and the R158 to the west. There is a c.1.15km distance between the site[1] and the town centre (approx. 12 minute walk).



Fig No.1 Site Location (source: Myplan.ie - OSI Licence No.EN 0080915).

[1] Measured from north-east corner.

2.2 Site Description

At present the subject site consists of agricultural pastoral lands enclosed by a combination of mature tree and hedgerow boundaries. There is a small, long-term, vacant cottage at the northern boundary of the site, west of the adjoining cemetery.

There are a number of mature hedgerows forming field boundaries within the site, along with man-made drainage channels. Public views into the site from the adjoining road network are minimal owing to the presence of these mature trees and hedgerow boundaries at the perimeter.

The triangular shaped area of the site west of the cemetery is notably well screened from the public roads, and the adjoining cemetery, by mature hedgerow and trees.

There is an agricultural entrance on the northern boundary of the site (R148) and another agricultural entrance on the western boundary (R158). There is also an agricultural entrance to the north of the triangular portion of the site west of the cemetery.

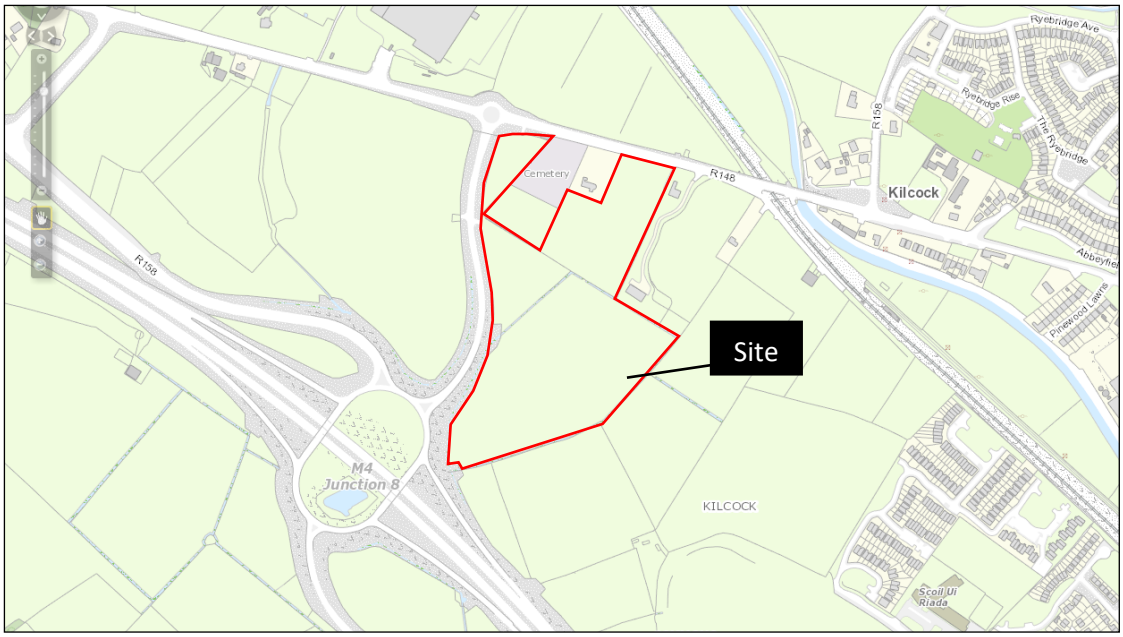


Fig No.2 Site Location (source: Myplan.ie - OSI Licence No.EN 0080915). Red line is indicative and does not include the works on the public road. Refer to site location map for details.

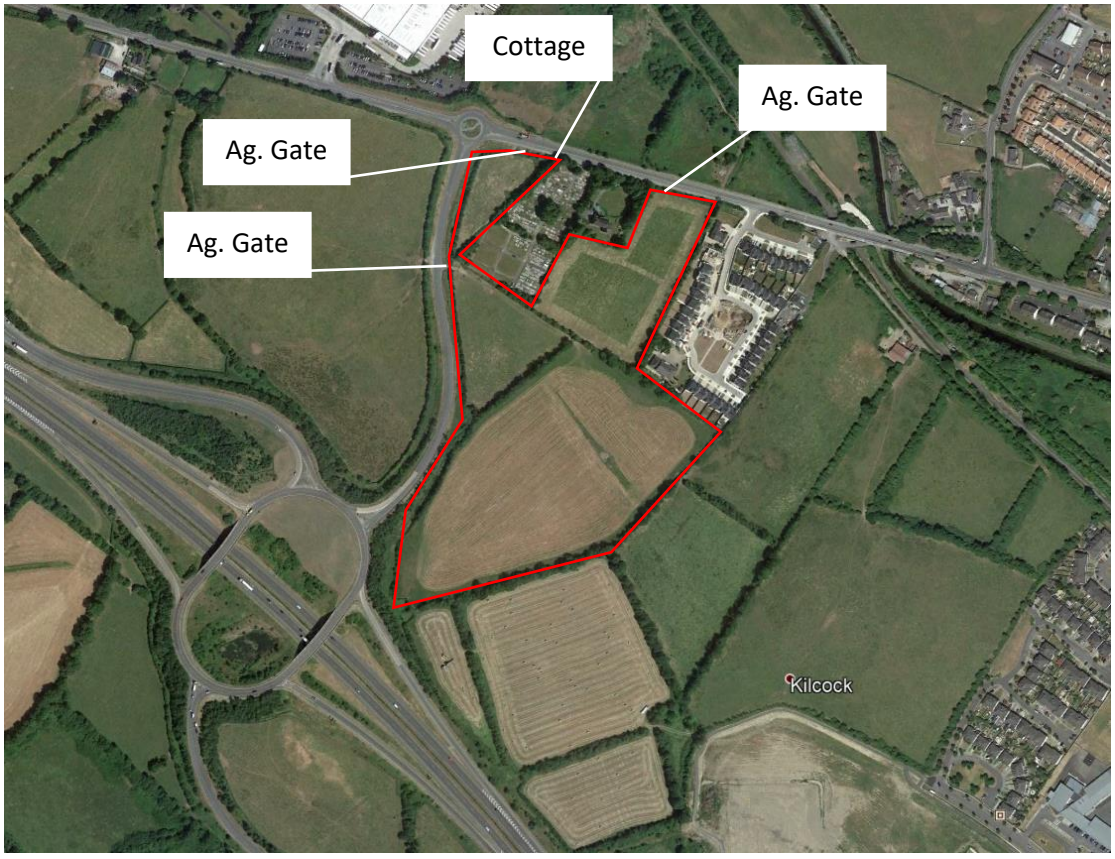


Fig No.3 Aerial view of subject lands (source: Google Earth Pro, June 2018). Red line boundary is indicative. and does not include the works on the public road. Refer to site location map for details.



Fig No.4 View into site from R158 off the M4 motorway.



Fig No.5 View into site from R148 off the M4 motorway.



Fig No.6 View into site from R148 at agricultural entrance on north end.



Fig No.7 View of agricultural entrance to the north of the site on the R148 – note lack of footpath.



Fig No.7a New combined cycle path and footpath on opposite (north) side of the R148 to north of the site.



Fig No.8 Derelict cottage at northern boundary of site.



Fig No.9 View of cottage and agricultural gate to north of triangular portion of site west of the cemetery, as viewed from inside the site.

2.3 Ownership

The applicant has freehold title over the subject lands where the proposed development will be located.

It is proposed to carry out infrastructure works on the public road to the north and west of the site and the applicant has obtained a letter of consent from Kildare County Council for same.

2.4 Adjoining Lands

The uses on the adjoining lands are as follows:

North

The Enfield Road (R148) runs along the northern boundary of the site. The site is within the 50kph speed limit. There is no public footpath outside the site, although there is a footpath, and cycle lane, with public lighting, on the opposite (north) side.

The site also borders a dwelling which was a former church (Protected Structure, Ref. B05-08) and St. Joseph's Cemetery. Both are heavily screened from the site by dense, mature trees.

East

The lands to the east of the site comprise of a residential development (Boycetown Court). There is a public footpath to front of this development which extends to the eastern boundary of the site and provides a pedestrian connection back into the town.

The remainder of the lands bordering the east of the site are in agricultural use. They are zoned New Residential.

West

The R158 runs along the western boundary of the site. The road is generally at a higher ground level than the site. There is no public footpath outside the site. Public lighting is provided on the opposite side of the road. There are crash barriers approaching the roundabout junction (R148/R158) and the roundabout junction (R158/M4).

South:

The lands to the south of the site are in agricultural use. Permission was recently obtained on these lands for 345 dwellings and a childcare facility under ref. ABP-306826-20, details of which are outlined below.

South-West: Junction 8 on M4 motorway, elevated above the site.

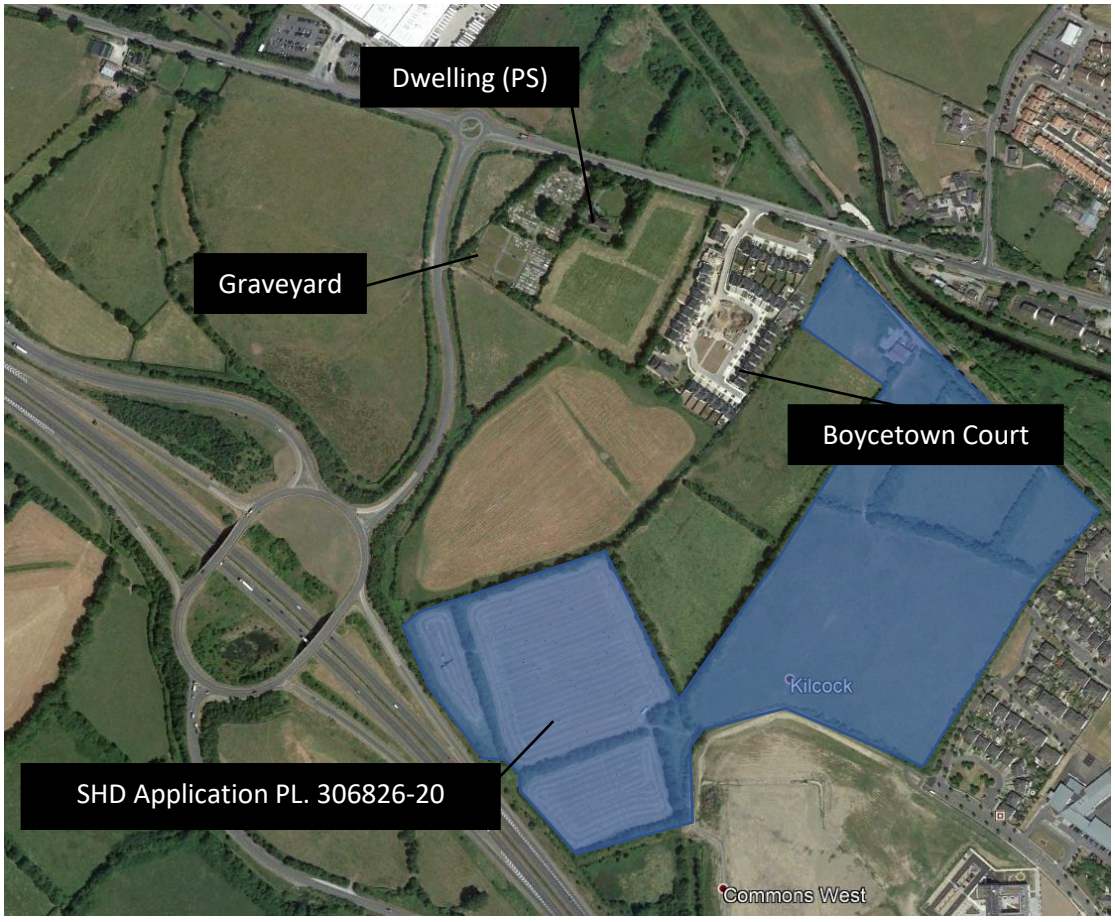


Fig No.10 Satellite photo showing adjoining land uses (source Google Earth Pro, June 2018)[2].



Fig No.11 Protected Structure (former church) viewed from the R148.

[2] Here is more recent satellite photography available from 2022 but the quality is very poor. The only change in the more recent photography is that extension to Musgraves to the north is evident, along with ground works to the western portion of the residential development under PL.306826-20.

2.5 Public Transport

Kilcock is served by a rail line running between Dublin and Sligo. It has its own dedicated train station located in the town centre (Fair Green) which is approximately 16 minute walk from the site. There are 9 services a day serving the station.

In addition, the 115 and 115A Bus Eireann routes (from Mullingar) provides bus routes to Maynooth and to Dublin. The bus stop is approximately 700m from the site (east direction).



Fig No.12 Diagram showing walking distance to Kilcock train station from the subject site. (Source: Google Street Maps).



Fig No.13 Diagram showing walking distance to bus stop from the subject site

2.6 General Area

Kilcock recorded a population of 6,093 in the 2016 Census. The town had previously doubled its population in the nine-year period between 2002 and 2011.

The western area of Kilcock, is undergoing transition to a more urban area with new development in the form of the large-scale extension to distribution centre for Musgraves to the north of the subject site and the residential development adjoining the site to the east (Boycetown Manor). A large-scale residential development is also under construction to the east of the site – see details below.

A new Primary Care Centre has also been built to the south-east of the site in Bawnogues and forms part of a wider Multi-Purpose Community Facility incorporating community, health and sports land uses which is currently being developed.

Summary

- The site is located at the western periphery of Kilcock town and is greenfield in nature.
- The adjoining uses consists of a graveyard, former church being used as a dwelling (Protected Structure) and a small housing estate.
- Kilcock train station is approximately a 16 minute walk from the site, whilst the closes bus stop is approximately an 8 minute walk.
- The population of Kilcock has witnessed significant growth since 2002.
- The western part of the town where the site is located is changing from a rural to a more urban landscape.
- There is a very good road infrastructure in situ.

3.0 PLANNING HISTORY

3.1 Subject Site

3.1.1 ABP-311037-21

On 23/11/2021 An Bord Pleanála refused permission for demolition of cottage, construction of **298 no. residential units** (181 no. houses, 117 no. apartments), **childcare facility** and associated site works on the subject site.

Permission was refused for a single reason as follows:

The proposed development, by reason of its inadequate qualitative and quantitative provision of public and communal open space, would conflict with the provisions of the Kildare County Development Plan 2017-2023 and the minimum standards recommended in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020. The proposed development would, therefore, result in a poor standard of residential amenity for future occupants and would be contrary to the proper planning and sustainable development of the area.

The following statement in the Board's Direction is also of note

It is considered that the quantum of car parking spaces proposed is not justified and it is considered that the proposed development, by reason of the dominance of carparking does not represent a satisfactory urban design response for the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area. However, the Board decided not to include this as an additional reason having regard to the substantial reasons for refusal above.

Please refer to Section 4.0 below which outlines how this reason for refusal has been addressed in the new application, along with the additional concern about excessive car parking,

3.1.2 ABP Ref. PL 09.246663 (KCC Ref: 16/233)[3]

On 14th September 2016 An Bord Pleanála refused permission for **190 houses** (8 detached 2-storey 5-bed houses; 3 detached 2-storey 4-bed houses; 68 semi-detached 2-storey 4-bed houses; 1 detached 2-storey 3-bed house; 76 semi-detached 2-storey 3-bed houses; 6 semi-detached 2-bed bungalows; 4 terraced 2-storey 2-bed houses and 24 terraced 3-storey 3-bed houses): (b) A single storey neighbourhood centre with **3 retail units**; (c) A **2-storey crèche building**; (d) Two new road entrances off the R148 and R158; (e) All associated site works to include roads, car parking, service yard, open spaces and landscaping, boundary walls, bin stores, attenuation tanks and site service on a site accessed off the R148 and R158, and abutting the Junction 8 roundabout on the M4 for 3 reasons relating to deficiency in water services and public sewerage, road infrastructure improvements and layout and design.

3.1.3 Reg. Ref. 06/1987

Outline permission for **petrol station** was refused on adjoining lands to the north-west corner of the site in 2007. The Council's decision was upheld on appeal due to proximity to roundabout and prematurity pending deficiency in public sewage facilities.

[3] Hereafter known as the 2016 Application.

3.2 Adjoining Lands

3.2.1 ABP-306826-20 - Lands to south.

On 19.8.2020 An Bord Pleanála granted permission to Rycroft Homes Limited for a Strategic Housing Development involving **345 no. residential units** (69 no. duplex units, 182 no. houses and 94 no. duplexes) and **childcare facility** granted on lands measuring 11.56Ha in the townlands of Kilcock, Boycetown, Commons West, (adjoining the Brayton Park estate), Kilcock, Co. Kildare. The application included 5no. 5 storey apartment blocks.

The Board's Order noted that *" … subject to compliance with the conditions* [of the permission] *the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area"* - emphasis added.

Also, *"The Board considers the proposal is in accordance with national guidance … While Variation No. 1 reflects certain objectives of the Regional Spatial and Economic Strategy, Variation No.1 has been adopted without any associated dezoning, and in the opinion of the Board, without due regard to density or efficient land-use implications, and as such has not demonstrated itself to be wholly consistent with Sustainable Urban Development Guidelines, Residential Density Guidelines, National Planning Framework compact growth objectives, etc. The development is located on residentially zoned land in an existing urban settlement, within the Dublin MASP and is adjacent to existing infrastructure and services. The development provides linkages to a proposed school site, is well served and accessible to public transport (via the Sligo-Dublin rail line), and as such is suitable for development and of a strategic and beneficial nature to the town of Kilcock"* - emphasis added.

This application is currently being implemented.

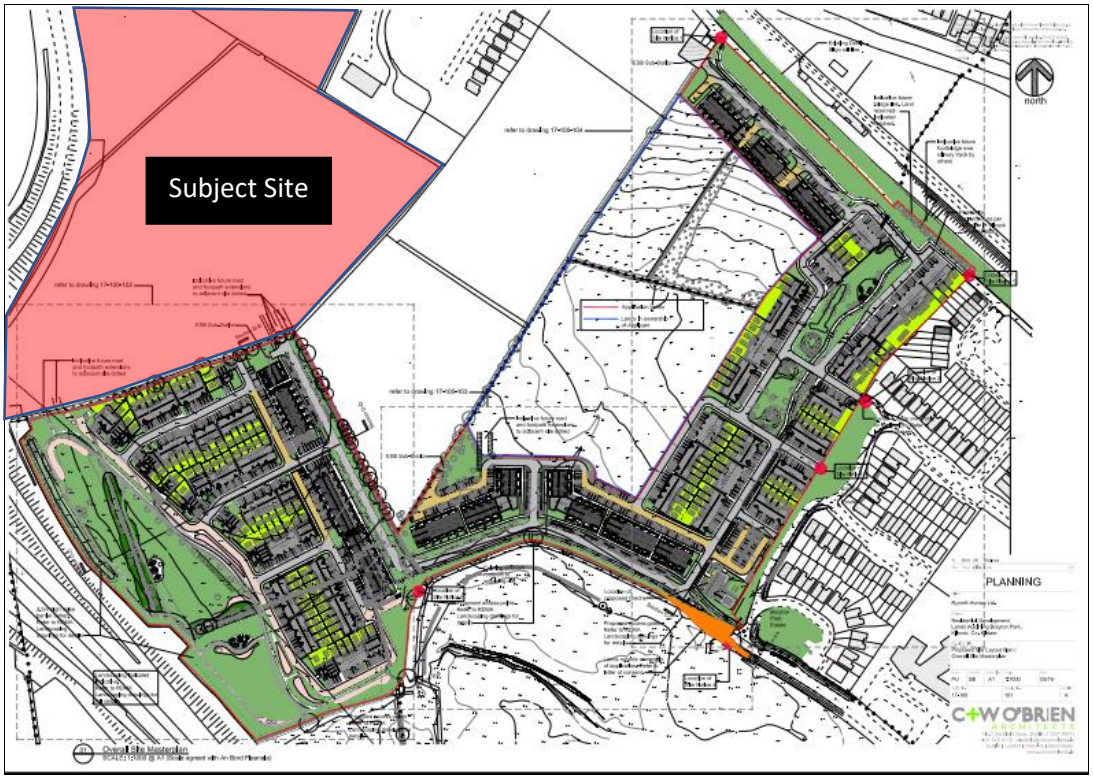


Fig No.14 Permitted site layout for Rycroft SHD on adjoining lands to the east and south.

3.2.2 **Reg. Ref. 08/690** - adjoining lands to North-East ('Boycetown Manor')

Permission was granted for **39 houses** and foul water pumping station on 2.8 hectares (subsequently extended and modified). The permitted density was 14.6 per hectare (which was considered to be still on the low side in the Planner's Report but acceptable given geographical location and zoning).

This permission has been acted upon.



Fig No.15 Boycetown Court to the east and north of the subject site.

3.3 In Vicinity

3.3.1 Reg. Ref. 20/1143

Musgrave Limited were granted conditional permission by Kildare County Council on 01/07/2021 for a proposed **extension to the Distribution Centre** (overall external height approx. 19m) will comprising of a Warehouse Extension (approx. 11,824 sqm) with dock levellers on the north-eastern and south-western elevations; Main Office Extension over two storeys (approx. 386 sqm); Despatch and Extension Goods-In Office over two storeys (Approx. 352 sqm); A new one storey Transport Office (approx. 123 sqm); and Vehicle Maintenance Unit (VMU) Extension (approx. 100 sqm). The gross floor area of the premises will increase from 29,106 sqm to 41,891 sqm, an increase of 12,785 sqm. Ancillary works including minor alterations to the existing entrance at R148 which will provide vehicular, pedestrian and cyclist access and egress to the Distribution Centre. An additional new vehicular, pedestrian and cyclist access and egress

will be provided off R148 to a new car parking area to the south of the main Distribution Centre site. A pedestrian crossing over this road will be provided connecting the southern car park to the main site. An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) were included with the application.



Fig No.16 Proposed site layout plan submitted with the application with location of the subject site relative to same indicated.

This development is almost fully implemented on date of site visit in June 2022.



Fig no.16a Satellite image of Musgrave extension under construction to the Distribution Centre (source: Google Earth, March 2022).

3.3.2 An Bord Pleanála Ref: PL.09.226889 (KCC Ref: 06/2152)

Permission was granted in May 2008 for construction of a mixed use development comprising 50 number single storey **light industrial units**, with a combined gross floor space of 10,218 square metres, a **petrol filling** station of 100 square metres gross floor space convenience retail and 70 square metres gross floor space ancillary, car parking and all associated site development and landscaping works and the forming of a new access onto Enfield Road and a **new roundabout** onto the access road leading to the Kilcock Interchange of the M4, all on lands at Enfield Road (R148), Kilcock, County Kildare in the townland of Boycetown – subject to 22 no. condition, which included the omission of Block A.

The lands are on the opposite side of the R158 to the west of the subject site.

Permission was extended for this application until May 2018 but no development took place on foot of this permission and it is **now expired**.

Summary

- In September 2016 an application for 190 residential units, childcare facility and 3 retail units on the subject site was refused by An Bord Pleanála .
- Permission was refused for a petrol station on the north-west portion of the site.
- In August 2020 An Bord Pleanála granted permission for a Strategic Housing Development involving 345 residential units and childcare facility on the adjoining lands to the east, including a new link road which will border the subject site.
- There is a current application to extend the Musgraves distribution centre to the north-west of the subject site which is currently at further information stage.
- Permission for a 39-unit residential scheme to the north-east of the site has been built out and is operational - Boycetown Manor
- Permission for a light industrial unit to the west of the site which has expired.

4.0 PROPOSED DEVELOPMENT

4.1 Description

The proposed development (30,839 sq.m GFA) will consist of the demolition of a detached, vacant cottage (gfa 69sq.m) and the construction of 272 residential units (149 no. houses, 65 apartments and 58 duplexes), childcare facility and foul pumping station along with associated ancillary works and site works.

The 149 no. dwellings consist of:

- 40 no. 4 bed 2 storey houses (House Type A1, A2, A3, A4, A5)
- 8 no. 4 bed 3 storey houses (House Type E1, E2)
- 90 no. 3 bed 2 storey houses (House Type B1, B2, B3, C1, C2)
- 11 no. 2 bed 2 storey houses (House Type D1)

The proposed apartments and duplexes are provided in 7 no. blocks (Blocks A, B, C, D, E, F, G) ranging in height from 3 to 4 storeys, with the exception of 1no. Duplex Block (Type N1), which is a 3 storey, end of terrace unit. Block A and Block B contain Rooftop terraces at 4th floor level.

The Duplex Blocks (Type J1, Type, J2, Type J3, Type J4, Type K1, Type L1, Type M1, Type N1) are all 3-storey and contain 58 units divided as follows:

- 6no. 1 bed ground floor apartment units (Units L1-A)
- 23no. 2 bed ground floor apartment units (Units J1-A, J2-A, J3-A, J4-A, K1-A, M1-A, N1-A)
- 1no. 2 bed duplex unit (two-storey unit) (Units K1-B)
- 25no. 3 bed duplex units (two-storey units) (Units J1-B, J2-B, J3-B, J4-B, L1-B)
- 3no. 4 bed duplex units (two-storey units) (Units M1-B, N1-B)

The 65 apartments are located within Blocks A, B, C and D divided as follows:

- 17no. 1 bed units (Type F1, Type F2, Type F3, Type F4, Type F5, Type F6)
- 37no. 2 bed units (Type G1, Type G2, Type G3, Type G4, Type G5-A, Type G5-B, Type G6, Type G7, Type G8)

- 11no. 3 bed units (Type H1, Type H2)

Block D also contains a childcare facility (gfa.526.2 sqm) and includes a dedicated outdoor play area (c.210 sq.m).

Ancillary works including 1 no. vehicular entrances off the R148 to the north and 1 no. vehicular entrance off the R158 to the west, a spine road which will link with the permitted spine road on the adjoining lands to the south-east under PL09.306826, internal roads, footpaths, cycle lanes, car parking (465 no. spaces), cycle storage/parking (426 no. spaces), 2 no. bus stops, bin storage, public open space, hard and soft landscaping, natural play area, play equipment, boundary treatments, public lighting, 3 no. substations (14sq.m each) and controlled pedestrian crossing on the R148.

All associated site and infrastructural works including underground wastewater pump station (a wetwell); welfare building 6.25sqm and 3m in height; 472m of 125mm OD rising main and 250m of gravity sewer along the R148; an underground emergency storage tank, capacity 230 m3 approx.; above ground lifting gantry; valve and flowmeter chambers; a chemical dosing facility for odour control; Passive Carbon Unit; Kiosks; above ground surge vessel (<13 m3); Landscaping, fencing and access off the R148. The proposed development includes all necessary ancillary pipework and manholes, diversion of existing utilities; new power supply and water connection for the pump station, ducting, mechanical and electrical services, plant, instrumentation, automation, controls and equipment. It also includes all associated site development works, hardstanding areas and access and site drainage. The proposed development includes works on lands owned by Kildare County Council to facilitate access and drainage infrastructure.

4.2 Layout

The key aspects of the Kilcock Local Area Plan 2015-21, including a new distributor road, large central area of public open space, perimeter block housing arrangement, setback from motorway and new vehicular entrances, are all reflected in the proposed development.

Please refer to the Architects Design Statement for further details about the design and layout.

4.3 Proposed Residential Units

The proposed residential units are divided into houses (149 units) and apartments (65 units) and duplexes (58). Please refer to the section on Housing Mix which provides a detailed breakdown of same and the Design Statement prepared by Paul Byrne Architects which provides a detailed description of same.

4.4 Childcare Facility

The proposed new childcare facility (gfa.526.2sqm) and has a dedicated outdoor play area measuring c.210sq.m. It will cater for 67 children and will be delivered in Phase 3 of the construction of the proposed development when there are sufficient dwellings in the scheme to make the facility viable from a commercial perspective.

The opening hours are not known at this stage as no operator has been identified. The applicant is open to a condition of planning permission for such details to be provided to Kildare County Council prior to occupation of the facility.

4.5 Pumping Station

The new pumping station will be located on the lands to the west of the cemetery. The principle of locating the pumping station in this field was agreed with both Kildare County Council Planning Authority and Irish Water. The majority of the proposed pumping station will be contained underground. There will be some structures located above ground such as the welfare building, lifting gantry, kiosk, storage etc but all are low scale in terms of height. The facility will be accessed via new access from the R148. The facility will be enclosed within a 3m high mesh fence. New planting is proposed to the south and east of this fencing as outlined in the landscape plan prepared by Landmark Design Ltd. The existing mature trees and hedgerows around the perimeter of this field will ensure that the above ground element of the pumping station will not be visible - see photo no. 17 below. The facility will be operated by Irish Water (who are currently well advanced in the process of buying this triangular area of land from the applicant).

The remainder of the field will remain under grass. It is not considered appropriate to landscape this area and integrate it into the wider residential scheme as it is isolated from the main residential area with no passive supervision. It will be monitored by Irish Water as part of their property portfolio, subject to any arrangements they seek to make. It is likely to be used to facilitate an extension of the adjoining cemetery in time, subject to agreement with Irish Water.

The proposed foul pumping station compound is located approximately 112m from the closest existing dwelling, namely the former church (Protected Structure) east of the cemetery. The proposed foul pumping compound is located approximately 132m from the closet proposed new dwellings (Apartment Block A). These distances are considerably beyond the 30m buffer zone normally required by Irish Water. Notwithstanding same the pumping station is fitted with carbon filters on the vent stacks to address any foul odours.



Fig No.17 View of field where new pumping station is proposed with mature hedgerow obscuring any views from the public road.

4.6 Works on Lands Owned by Kildare County Council

The following elements of the proposed development are situated on lands owned by Kildare County Council:

1. Rising main running along the R148 to the north of the site.
2. Pedestrian crossing on the R148 to the north of the site.
3. Vehicular entrance off the R158 to the west of the site along with associated footpaths and ramp.

4.7 Compatibility with Proposed SHD Development to the south

As noted above there is an approved Strategic Housing Development on the adjoining lands to the south of the site (Ref. ABP-306826-20) involving 345 no. residential units (69 no. duplex units, 182 no. houses and 94 no. apartments), creche and associated site works[4].

[4] Applicant: Rycroft Homes Ltd

The alignment of the link road through the two adjoining schemes has been the subject of discussions between consulting engineers for the two landowners to ensure both schemes are fully consistent.

The proposed dwellings which back onto the boundary with the adjoining site will be screened from the adjoining site by the existing mature hedgerows which will remain in situ. The dwellings to the south of the proposed link road will back onto permitted terraced dwellings.

4.8 ABP-311037-21 – Addressing Reason for Refusal

The key issues in the refusal reason were:

- inadequate quantitative public and communal open space
- inadequate qualitative public and communal open space

The issues raised in the Direction are also important to address:

- quantum of car parking spaces proposed is not justified
- dominance of carparking does not represent a satisfactory urban design response for the site

4.8.1 Inadequate quantitative public and communal open space

Public Open Space

Under the previous application on this site (ABP-311037-21), 15.12% public open space was provided on residential zoned lands (all more than 10m wide as required). In addition, there was also an additional area of public open space being provided to the south (F3 zoned lands) which was excluded from this calculation as it was not contained within New Residential Zoned land.

We note the ABP Inspector had *"significant concerns regarding the inclusion of the proposed landscaped buffer spaces as usable public open space, in particular areas A, B and D which have a combined area of 3,464 m2. In my*

opinion, these areas cannot reasonably be categorised as quality, usable public open space. Area A is located to the front of the site adjacent to the vehicular access to house nos. 1- 6 and in my opinion, does not constitute high quality open space by reason of its size, location and configuration. Areas B and D are almost entirely characterised by the proposed cycle/pedestrian link through the site, with marginal green pockets of very limited amenity value. The exclusion of these spaces reduces the proposed public open space to 9,494 m2 or 11% of the residentially zoned lands" – emphasis added.

Under the current application the public open space is comprised of 6 areas of public open space amounting to **13,560sq.m**. These areas of public open space all meet the KCDP requirement for a minimum of 10m wide including POS No.1 (previously POS A) which measures 380sq.m. It is important to note that the true size of this area of POS 1 is actually 484sq.m as it will include a strip of land in the ownership of Kildare County Council which it is proposed to landscape. However, for the purpose of calculating the public open space this strip is excluded as it is not zoned New Residential.

This total area of public open space at 13,560sq.m equates to **15.82%** of the residential zoned lands (8.56Ha) and exceeds the minimum requirement for 15%. The remainder of the site is comprised of F3 zoned lands and these have been excluded from the public open space calculations.

For the avoidance of any doubt, if POS 1 were to be excluded, given the previous concerns raised by the ABP Inspector under the previous application about the inclusion of this open space in the public open space calculation, the amount of public open space being proposed would still exceed 15%[5].

Also, for clarity, the proposed open space calculations <u>exclude the significant landscape buffers</u> to the west of the proposed development (labelled A and

[5] 13,560sq.m – 360sq.m = 13,200sq.m or 1.32Ha which equates to 15.4% of the residential zoned lands (8.56Ha)

B) as the inclusion of same was also raised as a concern by the ABP Inspector under the previous application.

It is further highlighted that Public Open Space No.5 excludes lands zoned F3 to the south (750sq.m)[6]. This F3 land will be landscaped and will form part of Public Open Space No.5 and therefore the amount of public open space being provided in the overall scheme is in fact larger than 12,852sq.m. It will amount to **14,414sq.m**.

In summary the minimum 15% public open space requirement for residential zoned lands has been met. In addition, there will be further open space in the form of a strip of lands to the north which will increase the size of POS 1 and the F3 zoned lands to the south which will increase the size of POS 5.

Please refer to drawing no. P106 prepared by Paul Byrne Architects which outlines the proposed public open spaces.

Public Open Space ('POS') Summary	
Site Area	9.75Ha (includes F3 zoned land and KCC owned land)
Residential Zoned Land	8.56Ha
POS	1.356Ha (15.82% of residential zoned land)
Excludes additional lands which will be landscaped and form open space:	
F3 (B) Zoned Lands	0.075Ha
POS No.1	0.0184Ha
Total POS	1.414Ha

Communal Open Space

The 2020 Apartment Guidelines require that communal open space be provided at a rate of 5, 7 and 9 m2 for 1-bedroom, 2-bedroom/4-person and 3-bedroom units respectively.

[6] The full size of POS 5 including the 750sq.m landscaped F zoned lands will be 1624 sqm + 750sqm (zoned = 2374 sqm.

Under ABP-311037-21 a total of 1,855sq.m of communal open space was proposed for the apartments – all at ground floor level. The minimum communal space requirement under the 2020 apartment guidelines for that proposed scheme (Appendix 1) is 866sq.m. We are not clear therefore as to why the quantitative amount of communal space was deemed to be inadequate. It was not raised as a concern by the ABP Inspector.

Under the current application the quantum of communal open space is **3,134sq.m**. The minimum requirement under the 2020 Apartment Guidelines is 875sq.m. We submit that the proposed quantum of communal open space is far in excess of the minimum quantitative requirement.

4.8.2 Inadequate qualitative public and communal open space

Public Open Space

The Boards concern about the qualitative nature of the public open spaces appears to have derived from the criticism of the ABP Inspector in respect of *"the inclusion of the proposed landscaped buffer spaces as usable public open space"* as in the Inspector's opinion *"these areas cannot reasonably be categorised as quality, usable public open space"*

As noted above these landscape buffers no longer form part of the public open space calculation. The two landscape buffer areas are provided in addition to the public open space areas.

We refer the Board to the landscape plan prepared by Landmark Design Ltd and the landscape report which outlines the rationale behind the design approach of the public open spaces. We note that neither the Board, nor the Council, expressed any specific concern in relation to the landscaping approach under the previous application.

We also highlight that the size of POS No.2 has increased providing an increased buffer from the proposed dwellings and St. Patrick's Church

(Protected Structure) and the graveyard, but also, importantly, enhancing the linear route through the west of the scheme from the south to the north.

Communal Open Space

Communal Amenity Space is addressed in sections 4.10 and 4.11 of the 2018 Apartment Guidelines.

The provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people … While private and communal amenity space may adjoin each other, there should generally be a clear distinction with an appropriate boundary treatment and/or a 'privacy strip' between the two.

"Communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year. Roof gardens may also be provided but must be accessible to residents, subject to requirements such as safe access by children. These facilities offer a satisfactory alternative where climatic and safety factors are fully considered, but children's play is not passively supervised as with courtyards. Regard must also be had to the future maintenance of communal amenity areas in order to ensure that this is commensurate with the scale of the development and does not become a burden on residents".

We note the following comments in the ABP Inspectors Report under ABP-311037-21:

The [communal] *open space which is proposed has a stated area of 1,855 m2 and is largely comprised of linear strips surrounding each of the apartment blocks. A larger, more usable pocket of communal open space is provided to the rear of block C, and to a lesser extent, to the rear of block D and adjoining*

the curved façade of block A. In my opinion, the largely linear configuration of the communal open space significantly reduces its amenity value.

I further note that the open spaces directly adjoin the living areas/bedrooms of the ground floor apartment units, and as such, their use would likely have a significant negative impact on the residential amenity of the occupants of these units.

Thus, given the size of the residentially zoned portion of the site and its existing greenfield nature, I am not satisfied that the proposed development provides high- quality public and communal open spaces for future residents of the scheme. In my opinion, planning permission should be refused on this basis. I note that Kildare County Council also considered that the proposed development fails to provide a hierarchy of high-quality, usable open spaces as identified in reason no. 1 of the recommendation to refuse planning permission.

The qualitative nature of the proposed communal open space provision has changed significantly under the current application, with the linear nature of the previous design now omitted/altered.

Block A

The ground level communal open space for this block is located to the north-west side and will be complemented by a generous-sized landscape roof terrace. There is also an additional area of incidental public open space to the south side of this block which is generous in terms of size and would facilitate sitting out.

Block B

The communal open space provision for this block consists of an area to the south side of the block which maximises solar access and directly adjoins POS 6, rather than a road or car parking. In addition, a landscape roof terrace will be provided for occupants of this block.

Block C

The communal open space for this block is located to the south side of the block and remains the same as previous application. It will adjoin a public footpath with car parking beyond. We note the ABP Inspector had noted that this space was more useable compared to other blocks under the previous application.

Blocks D, E, F & G

The communal open spaces for these blocks are located to the east side. In the case of Block D the communal open space adjoins public open space (No.4). This is considered to be a positive feature for residents who can directly access the public open space without having to negotiate roads. In the cases of Blocks F and G the communal open space adjoins the boundary walls of adjoining dwellings. This wall will enclose the space and enhance the level of privacy for residents of these blocks. The communal open space for Block E adjoins a public footpath with car parking beyond.

It should be noted that all areas of communal open space will be directly overlooked by the apartments/duplexes and will be conveniently accessible to residents.

Relationship with Ground Floor Apartments

In terms of concerns raised in the previous application about communal open spaces directly adjoin the living areas/bedrooms of the ground floor apartment units, please refer to the landscape drawings and landscape rationale report prepared by Landmark Design Ltd.

4.8.3 Excessive car parking spaces/impact on urban design

Under the previous application ABP-311037-21, a total of 584no. surface-level car parking spaces was proposed for 298no. residential units and a crèche (i.e. **1.96 spaces** per dwelling overall).

For comparison, the adjoining permitted SHD scheme immediately to the south-east (ABP ref. 306826-20) includes 684no. surface-level car parking spaces for 345no. residential units and a crèche i.e. **1.98 spaces** per dwelling overall).
Under the current proposal, a total of 465no. surface-level car parking spaces is proposed for the 272no. residential units and the crèche; this equates to **1.71 spaces** per dwelling overall. We submit that this represents a significant reduction in comparison to both the previously refused scheme and the adjoining permitted SHD scheme, while nevertheless complying with the requirements of the Local Authority development plan and the recommendations of the 2020 Apartment Guidelines.

The removal of these car parking spaces has enabled an increase in the amount of open space within the scheme and an overall improvement in the quality of the urban design. Please refer to drawing No. P104 prepared by Paul Byrne Architects, on which the previously refused layout and the current layout are shown side-by-side for easy comparison. The main changes are to the south of the proposed link street, and it can be readily seen that the amount of car parking has been reduced in favour of open space.

5.0 CONSISTENCY WITH MINISTERIAL PLANNING GUIDELINES & OTHER RELEVANT STRATEGIC PLANNING POLICY

5.1 Housing for All - a New Housing Plan for Ireland

"Housing for All - a New Housing Plan for Ireland' 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

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.

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

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.

5.2 National Planning Framework 2040 ('NPF')

The NPF is based on a projection of a 5.7 million people population by 2040 which is used as a benchmark against which the strategy is placed. This benchmark provides for one million additional people, 660,000 additional jobs and 550,000 new homes by 2040 (or **25,000 houses to be built each year**).

Under the NPF 50% of the national population growth should happen in the Eastern and Midlands (EMRA) Region and 50% of this population growth should happen within the City of Dublin and its suburbs. This represents significant housing growth in the EMRA Region up to 2040, which includes Co. Kildare.

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.

The key elements of the growth strategy include:

- *Regional concentration toward cities and some regionally important larger settlements.*
- *A focus on contained growth and reduced sprawl by targeting infill and brownfield lands in existing built-up areas.*
- *Sequential provision of infrastructure with some critical infrastructure in place to promote investment*
- *A Metropolitan Area Strategic Plan to deliver compact regeneration and growth in the Dublin metropolitan area and*
- *A comprehensive approach to rural fabric supporting sustainable growth and reversing decline* - emphasis added.

The proposed development is considered to be consistent with the delivery of compact growth in the Dublin metropolitan areas.

The proposed development is considered to be consistent with the following national policy objectives:

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 32 – *To target the delivery of 550,000 additional households to 2040.*

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 34 – *Support the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time.*

The following National Policy Objectives are also of note:

National Policy Objective 68: *A Metropolitan Area Strategic Plan may enable up to 20% of the phased population growth targeted in the principal city and suburban area, to be accommodated in the wider metropolitan area i.e. outside the city and suburbs or contiguous zoned area, in addition to growth identified for the Metropolitan area. This will be subject to:*

- *any relocated growth being in the form of compact development, such as infill or a sustainable urban extension.*
- *any relocated growth being served by high-capacity public transport and/or related to significant employment provision; and,*
- *National Policy Objective 9, as set out in Chapter 4.*

National Policy Objective 71: City/county development plan core strategies will be further developed and standardised methodologies introduced to ensure a coordinated and balanced approach to future population and housing requirements across urban and rural areas.

5.3 Sustainable Residential Development in Urban Areas, 2009 ('SRDUA')

Section 5.11 of the SRDUA Guidelines deals with Outer Suburban / 'Greenfield' sites and notes 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. The subject site is considered to meet these criteria. The Guidelines note that 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.

The proposed residential density is **36.46 units per hectare** (based on net developable area of 7.46Ha, which is within the range specified in the Guidelines. For clarity this net developable area excludes the proposed distributor road, F3 zoned lands, significant landscape buffer and lands under the ownership of Kildare County Council to the north which make up the total site area of 9.75Ha[7]). Please refer to drawing P105 prepared by Paul Byrne Architects for details.

Public Open Space

The Guidelines recommend that for green-field sites or those sites for which a local area plan is appropriate, public open space should be provided at a minimum rate of **15%** of the total site area. This allocation should be in the form of useful open spaces within residential developments and, where appropriate, larger neighbourhood parks to serve the wider community.

[7] This is the same methodology adopted by the applicant under the permitted SHD for the adjoining site - Ref. PL09.306826.

The total proposed public open space on residential zoned lands is 13,560sq.m which equates to **15.82%** of the total site area and is therefore compliant. Note that the total amount of public open space will actually amount to 14,414sq.m as it will include F3 zoned lands to the south (in POS 5) and a small strip of land to the north which is owned by Kildare County Council (in POS 1).

Note that this public open space provision excludes the **2,361sq.m of communal open space** at surface level (i.e. excluding roof terraces).

School Demand

The Guidelines advise that planning applications for 200+ dwelling units should be accompanied by a report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.

Please refer to the **School Demand Statement** prepared by this office and submitted with the application.

5.4 National Transport Authority: Transport Strategy for the Greater Dublin Area 2016-2035

The Transport Strategy places a strong emphasis on the need to promote sustainable travel patterns in relation to schools:

"The zoning and development of land needs to be carried out in a manner which promotes walking, cycling and public transport for all trips and reduces the need for commuting by private car, particularly zoning for schools and large workplaces" (s.3.6 – emphasis added).

The proposed development will be in close proximity to existing primary and post primary schools and will encourage walking and cycling to schools. Furthermore, it is in close proximity to the lands identified by the Council for a new primary and post primary school within the town. There is also a high

frequency of public transport in the vicinity which would facilitate access to schools at a further distance within the town.

The Transport Strategy also notes that a DART service will be provided to Maynooth as part of the DART Expansion Programme.

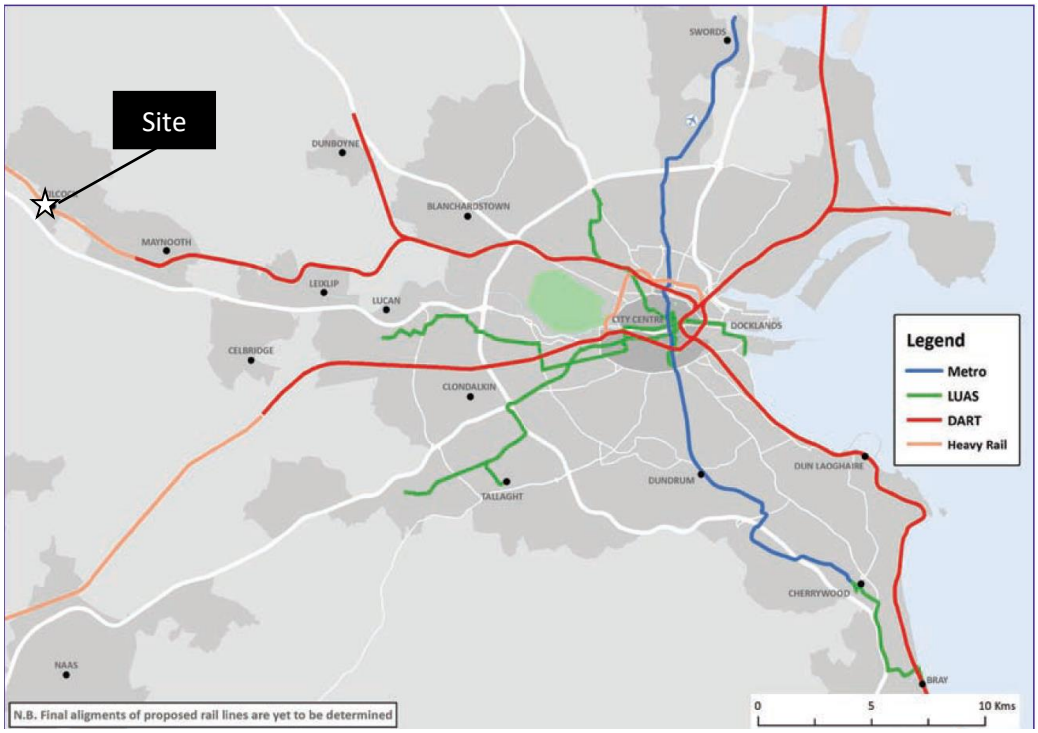


Fig No.18 National Transport 2035 Overall Metropolitan Heavy and Light Rail Network adapted to show location of subject lands (white star symbol).

5.5 Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities 2018 (as revised in 2020)

The Guidelines note that apartments are a significant part of the solution to avoid continued urban sprawl *"Given the gap between Irish and European averages in numbers of households living in apartments and the importance of addressing the challenges of meeting the housing needs of a growing population in our key cities and towns and by building inwards and upwards rather than outwards, apartments need to become more and more the norm for urban housing solutions"* - emphasis added.

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.

Specific Planning Policy Requirements (SPPR's)

SPPR1 states that apartment 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.

Response:
The scheme is comprised of 65 no. apartments and 58 duplexes units (23 no.1 beds, 61 no. 2 beds, 36 no. 3 beds and 3 no. 4 beds).

SPPR2 relates to building refurbishment schemes.

Response: not applicable in this instance.

SPPR3 Sets out minimum floor areas for apartments.

Response: The Housing Quality Assessment (Apartments) prepared by Paul Byrne Architects shows compliance with minimum floor area requirements.

SPPR4 The minimum number of dual aspect apartments shall be 33% in central urban locations; otherwise there shall be a minimum of 50% dual aspect apartments in a scheme.

Response: Paul Byrne Architects have confirmed that 13.01% of the apartments are single aspect with the remainder all dual aspect (86.99%).

SPPR5 Ground level apartment floor to ceiling heights shall generally be a minimum of 2.7m.

Response: Paul Byrne Architects have confirmed that the 2.7m minimum floor to ceiling height requirement is complied with for ground floor units.

SPPR6 A maximum of 12 apartments per floor per lift core may be provided in apartment schemes in urban locations.

Response: Paul Byrne Architects have advised that a maximum of 9 no. apartments per floor is being provided which is below the maximum in the guidelines and is therefore compliant.

Car Parking

Response: It is considered that the subject site is an intermediate location given the close proximity to public transport, although it could be argued that it is a peripheral and/or Less Accessible Urban Location. On this basis a conservative approach is applied with the peripheral standards applied. The Guidelines recommend that 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 i.e. 1.25 spaces per unit.

Please refer to section 5.0 of the Traffic and Transportation Assessment prepared by Cronin Sutton Consulting Engineers where car parking is addressed in detail.

Bedroom and living/dining/kitchen sizes

The minimum space standards and dimensions are achieved for the apartments as set out in Paul Byrne Architect's Housing Quality Assessment (Apartments).

Internal storage

Response: Compliance with minimum internal storage standards in the 2020 Guidelines are provided in the Housing Quality Assessment (Apartments) prepared by Paul Byrne Architects.

Minimum floor areas for private amenity space

Response: Compliance with the minimum private open space standards in the appendix to the guidelines is outlined in the Housing Quality Assessment (Apartments) prepared by Paul Byrne Architects.

Communal Space

Response

Compliance with the minimum communal amenity space requirement under the Guidelines is outlined in the Housing Quality Assessment (Apartments). Under the current application the quantum of communal open space is 3,134sq.m. The minimum requirement under the 2020 Apartment Guidelines is 875sq.m. We submit that the proposed quantum of communal open space (surface level and roof terraces) is therefore far in excess of the minimum quantitative requirement.

Bicycle storage

The Guidelines note that "*a general minimum standard of 1 cycle storage space per bedroom shall be applied … visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc*" (s.4.17).

A total of 123 apartments are provided (65 apartments and 58 duplexes). A total of 330 cycle spaces are provided for the apartments which exceeds the minimum requirement of 325 spaces – refer to the Traffic and Transport Assessment for full details.

5.6 Urban Development and Building Heights Guidelines for Planning Authorities Consultation, 2018

The Urban Development and Building Height Guidelines were published on the 7th of December 2018 under Section 28 of the Planning and Development Act 2000, as amended. The Guidelines are intended to 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.

Section 1.9 states that *"Reflecting the National Planning Framework strategic outcomes in relation to compact urban growth, the Government considers that there is significant scope to accommodate anticipated population growth and development needs, whether for housing, employment or other purposes, by building up and consolidating the development of our existing urban areas"* and goes onto state that "*… these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must*

be supported in principle at development plan and development management levels" - emphasis added.

Section 3.1 notes that *"In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility"* - emphasis added.

SPPR3 states: *'It is a specific planning policy requirement that where:*
(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise'.

5.6.1 Assessment under SPPR3:

In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies the following development management criteria:

The focus is on blocks A- D to the southern edge of the link road as they are the element of the scheme that is relevant in terms of building height, with proposed heights ranging from 3-4 storeys.

At the scale of the relevant city/town:

• *The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*

The proximity of the site to public transport in the form of bus and rail is addressed in the Traffic and Transportation Assessment prepared by CS Consulting Engineers.

Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.

There is a Protected Structure located to the north of the proposed development (Ref. BO5-08). The proposed apartments are located a minimum of 154m from this structure which is considered to be substantial. There is also significant existing screening around the perimeter of the Protected Structure.

Please refer to the Heritage Impact Assessment prepared by John F. Greene, Grade One Conservation Architect. The report concludes that the setting of the protected structure, the former Saint Patrick's Church within the immediate vicinity of the proposed development will be affected as a result of the proposed development but, while the proposed development will be visible from some part of it, it is considered that the impact on the setting of this structure will be negligible. Likewise, it is considered that the impact on the setting of Allen Bridge and Boycetown House, which are both a considerable distance from the proposed development site will also be negligible.

Please refer to the CGI images prepared by Digital Dimensions and the Visual Impact Assessment prepared by this office which concludes that the visual impact from the surrounding public road network will range from no impact to moderate impact. The primary visual impact will be at the western edge where a gateway 4 storey apartment block will be located at the entrance to the new road link through the development.

On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.

The subject site measures 9.75 hectares and in our opinion would constitute a large urban redevelopment site. We highlight that the proposed development makes a positive contribution to place making, providing a new street which is enclosed using appropriate building heights and also creating a gateway feature at the western end. Refer to the Architect's Design Statement prepared by Paul Byrne Architects for further details.

At the scale of district/ neighbourhood/ street

• *The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.*

The proposed apartment blocks are centrally located within the scheme and therefore don't have a significant impact on the surrounding context and the natural and built environment. Apartment Block A is close to the western boundary of the site and this has been designed as a gateway building reflecting this prominent location.

The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.

The apartments and duplexes are divided into separate no. blocks to avoid a monolithic appearance. Furthermore, they are animated in a manner that further ensures against a monolithic appearance - refer to elevation drawings prepared by Paul Byrne Architects.

The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling

additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management – Guidelines for Planning Authorities" (2009).

The apartments/duplexes in Block A-E provide a strong built edge along the southern edge of the link road which is critical from an urban design perspective in terms of providing appropriate enclosure. This is a continuation of the strong built edge in the permitted scheme on the adjoining lands to the south (ABP-306826-20) The apartments/duplexes also help enclose the public open space at the east side of the scheme.

The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.

Apartment Block A will form a gateway entrance to the new link road, which is the dominant corridor in the scheme, while the remaining apartment blocks will form a distinct urban edge and therefore aid legibility through the site.

The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.

There is a notable lack of apartments in Kilcock (only 14% according to the 2016 Census) and the proposed apartment will therefore make a positive contribution to the housing mix in the town offering more choice for homeowners and/or tenants.

Block D contains a childcare facility which will add to the mix of uses in the area.

At the scale of the site/building

• The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views

and minimise overshadowing and loss of light.

It is submitted that the proposed apartments are setback a considerable distance from any proposed dwellings within the wider development and are not located near any existing or permitted development on adjoining lands. As such it is submitted that no issues in respect of natural daylight access, ventilation, views, overshadowing or loss of light are expected.

• Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd Edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

Section 17.2.5 of the Kildare CDP 2017-23 states that only where development of a significant height is located close to existing development, the planning authority may require daylight and shadow projection diagrams to be submitted.

Please refer to the Daylight and Shadow Analysis prepared by Digital Dimensions which demonstrates that the shadow impact will not have any material impact on existing or proposed dwellings and there is sufficient daylight access to each apartment.

• Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

Not applicable in this instance.

Conclusion

In conclusion the above assessment under SPPR3 finds that proposed development meets each of the relevant criteria for building height at this location and we invite the Board as the relevant planning authority to agree with same.

Section 3.4 of the Guidelines deals with 'Building height in suburban/edge locations (City and Town)' and notes that *"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"* – emphasis added.

Section 3.6 goes on to state that *"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"* – emphasis added.

It is submitted that the proposed development meets this mix requirement - 2, 3 and 4 storey building height. The 4 storey apartment building height is considered to be appropriate given it is primarily used at the entrance to the development.

For context it is noted that An Bord Pleanála recently granted 5 and 6 storey apartments at a similar edge of town site in Crodaun, Celbridge - PL09 .307100.

5.7 Childcare Facilities Guidelines for Planning Authorities June, 2001

Section 2.4 of the Guidelines deals with 'Appropriate Locations for Childcare Facilities' and notes that for New communities/Larger new housing developments, planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate.

Please refer to the **Childcare Demand Statement** prepared by this office and submitted with the application. It notes that the proposed childcare facility for 67 children meets the requirements in the 2001 guidelines for 1 childcare facility catering for 20 children for every 75 proposed dwellings.

5.8 Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy, 2019 - 2031 (RSES)

The Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region was adopted on the 3rd May 2019 and came into effect on the 28th June 2019.

Kilcock is located in the Eastern Strategic Planning Area under the RSES and is identified as being within the Dublin Metropolitan Area.

Section 2.2 'Vision and Principles' states that *"a key challenge facing the Region, along with all other regions, is the transition to a low carbon society. For the RSES this means five primary areas of transition which are at the core of the Strategy including, inter alia,*

• sustainable development patterns which promote compact growth, reduce transport demand and encourage low carbon transport modes" - emphasis added.

The proposed development, which represents a departure from traditional two storey suburban sprawl, will deliver more compact growth within the development boundary of the KLAP and is a more sustainable use of land within an urban settlement.

Under the RSES a Dublin Metropolitan Area Strategic Plan (DMASP) has been prepared to manage the sustainable and compact growth of Dublin. During the lifetime of the RSES the population of the DMASP area is projected to increase by 16%, or 250,000 people. The following guiding principle under the DMASP is considered relevant:

Compact sustainable growth and accelerated housing delivery – *To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport* (s.5.3 - emphasis added).

The proposed development is considered to be consistent with this objective.

Regional Policy Objective 5.4 notes that *"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'".*

The proposed development is considered to be consistent with this objective.

6.0 CONSISTENCY WITH DEVELOPMENT PLAN & LOCAL AREA PLAN

6.1 Kildare County Development Plan 2017-23 ('KCDP 2017-23')

The subject lands are located within the administrative area of Kildare County Council and are therefore subject to the Kildare County Development Plan 2017-23 ('KCDP').

The KCDP notes that *"in the 5 years between Census 2006 and Census 2011, Kildare experienced the 6th highest rate of population growth with an increase of 13% (23,977 persons) on the 2006 population (186,335 persons)"* (s.1.3). A continued strong growth rate has occurred in County Kildare between the Census 2011 and Census 2016 with a 5.6% population rate increase.

The KCDP 2017-23 identified one of the key challenges facing Kildare for the Plan period to be *"that of directing population growth to the main urban centres with maximum growth focused on the Metropolitan towns of Maynooth, Celbridge, Leixlip and Kilcock"* (s.1.3 – emphasis added).

The proposed development will help address this challenge.

It is further stated that *"Development within the Metropolitan Area which includes the north east Kildare towns of Maynooth, Leixlip, Celbridge and Kilcock, will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present"* (s.1.4.2 - emphasis added).

The proposed development will help achieve a more compact urban form in Kilcock and enable it to accommodate a greater population than at present.

In relation to Public Transport Corridors the Plan seeks *"to maximise the return on transport investment"* noting that *"it is important that land use planning underpins the efficiency of public transport services by sustainable settlement*

patterns – including appropriate densities – on lands within existing or planned transport corridors" – emphasis added.

The subject site is located approximately 1.12km from the rail line in Kilcock (measured as the crow flies). The proposed new link road will facilitate access to the train station.



Fig No.19 Distance of subject site from Kilcock Train Station.

Table 4.2. of the Kildare County Development Plan 2017-2023 sets out the guidance for residential density appropriate to new development sites with a density of 30-50 units per hectare envisaged for outer suburban greenfield sites.

The proposed density of **36.46 units per hectare** accords with this density guidance.

6.1.1 Kildare County Development Plan 2017-23 ('KCDP 2017-23'): Variation No.1

At its adjourned meeting on 9th June 2020, Kildare County Council adopted a Variation (Variation No. 1) of the Kildare County Development Plan 2017-2023. The adopted variation responds to the recent changes in national and regional policy, namely the publication of Project Ireland 2040: National Planning Framework (NPF), The Implementation Roadmap for the National Planning Framework and the Eastern and Midland Regional Assembly (EMRA), and the Regional Spatial and Economic Strategy (RSES).

There was a stay on the implementation of this Variation issued via the High Court throughout the county following a court action, but on 12th August 2020 this stay was varied so that the variation only applies to Celbridge, Clane and Johnstown. Outside of these towns the Variation is in effect since 12th August 2020, including the town of Kilcock.

Chapter 2 of the Kildare County Development Plan 2017-2023, as varied, outlines the NPF Implementation Roadmap and RSES population projections for the County for the periods 2020-2026 and 2026-2031. The projections have been adjusted to the end of the first quarter of 2023, to coincide with the life of this Plan. The population projection for Kildare to the end of the Plan period is 238,993, giving rise to the need for 6,023 additional residential units by 2023. Table 3.3 lists the percentage allocation of growth in the various towns, villages and settlements in Kildare. It allocates a dwelling target from 2020 to 2023 of **241** dwellings to the town of Kilcock - see extract from table below.

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
	Kilcock	6,093	2,212	4.0%	1,575	562	675	241
	Monasterevin	4,246	1,706	2.6%	1,024	366	439	157
Town	Sallins	5,849	2,071	1.9%	748	267	321	114
	Kilcullen	3,710	1,401	2.5%	984	352	422	151
	Kill	3,348	1,227	1.3%	512	183	219	78
	Clane	7,280	2,741	2.4%	945	337	405	145
	Prosperous	2,333	813	1.0%	394	141	169	60
	Rathangan	2,611	1,009	0.9%	354	127	152	54
	Athgarvan	1,176	373	0.7%	276	98	118	42
	Castledermot	1,475	622	0.5%	197	70	84	30
	Derrinturn	1,602	558	0.6%	214	76	92	33

Extant Permissions

The matter of how the Variation accounted for extant permissions i.e those permissions that were granted but not yet implemented when the variation was being considered, was raised in a number of submissions to the preparation of the variation. These submissions noted that if extant permissions were not accounted for in the allocations, the Variation created a fundamental disconnect between the core strategy and land zoned for residential and other uses, contrary to national guidelines.

The Chief Executive's Report responding to submissions noted:-

"The queries regarding the inclusion of live applications and lands where permission has already been granted (i.e. extant permissions) into the overall population figures is noted. The consideration of extant permissions and live planning applications will be dealt within the specific LAP for each settlement" (p.81- emphasis added)

"The comments regarding extant permissions are also noted. The number of existing planning permissions is constantly evolving through the development management process with new permissions being granted and/or amended

and also permissions expiring. It should also be noted that the number of permissions granted is not considered to be an accurate indication of housing delivery as a number of variables affect the numbers delivered at various stages and location. Furthermore, many permissions are limited and/or phased on delivery of pieces of local infrastructure e.g. local water network upgrades, road upgrades etc and will also span over the current and future CDP and/or LAP as the case may be. Consideration of extant permission and live planning applications will be detailed at local area plan level for each settlement and will be supplemented by details of the 2021 Census regarding during the preparation of the 2023-2029 CDP" (p.74 - emphasis added).

In summary, the Kildare Chief Executive Officer accepted that extant permissions at the time of the Variation are not accounted for in the housing targets. This position has been accepted by the Council post the adoption of the Variation following queries to the Council.

Opinion

The key date in terms of the Variation is 12th August 2020. The 241 dwelling target by 2023 relates to any planning permission granted after this date only. Any extant permissions which were live prior to 12th August 2020 should not be taken into account.

A review of large, multi-unit residential planning applications in the town of Kilcock since 12th August 2020[8] found that only one such permission has been granted, namely the An Bord Pleanála decision for a Strategic Housing Development involving 345 no. residential units granted on 19th August 2020 (ABP-306826-20). This permission was granted despite the fact that it alone used up the 241 target and indeed exceeded it by an additional 104 units.

We highlight the following statement in the Board's Order which stated that :-

[8] At time of writing June 2021.

"While Variation No. 1 reflects certain objectives of the Regional Spatial and Economic Strategy, Variation No.1 has been adopted without any associated dezoning, and in the opinion of the Board, without due regard to density or efficient land-use implications, and as such has not demonstrated itself to be wholly consistent with Sustainable Urban Development Guidelines, Residential Density Guidelines, National Planning Framework compact growth objectives, etc" – emphasis added.

We submit that the subject lands are zoned for residential development and are ready to go from a services perspective. We would firmly agree with the Board's position on this matter in respect of the variation and invite the Board to again adopt this position in respect of the current application.

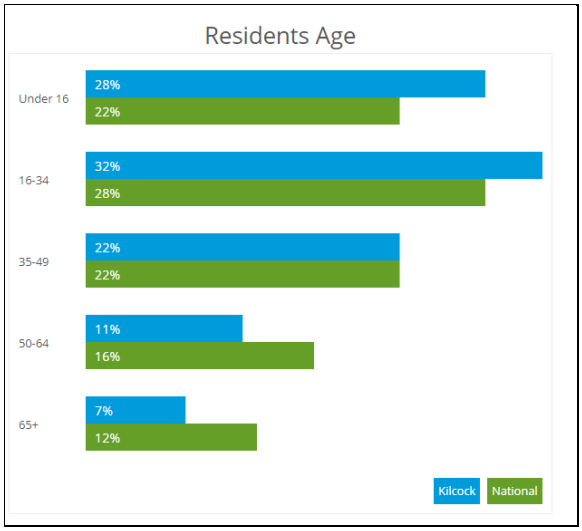
6.1.2 Statement of Housing Mix

As the scheme exceeds 50 units a Statement of Housing Mix is required under Table 17.3. Policy HSO 8 also seeks to ensure that an appropriate mix of housing types and sizes is provided in each residential development.

The following represents the Statement of Housing Mix:

Demography

The 2016 Census recorded a predominantly young population in Kilcock (under 50). The largest cohort was persons between the age of 16-34 and it is reasonable to assume that this is the cohort where the demand for new housing is most likely to arise.



The Census recorded relatively few apartments in the town (14%) with the majority of house types in the town being houses (84%).

The proposed development provides for a total of 272 residential units ranging from 1 beds to 4 beds.

Unit mix percentage breakdown:

Table No1 Unit Mix		
House Type	Number	%
One Beds	23	8.45
Two Beds	72	26.47
Three Beds	126	46.32
Four Beds	51	18.75

This mix equates to a breakdown of 34.92% smaller units (1 and 2 beds) with 65.08% (3+ beds).

There are a total of 149 houses (2, 3 and 4 bed units) and 123 apartment units (1, 2, 3 and 4 bed units).

A total of 25 dwelling types are proposed (13 different houses and 33 different apartments/duplexes) which is considered to be a broad mix of units. Please

refer to the 'Breakdown of Residential Units' prepared by Paul Byrne Architects for details of same.

It is submitted that the mix of dwellings units proposed will cater for a wide range of households within the scheme. It will also add to the mix of dwelling types within the town by increasing opportunities to live in apartments.

6.1.3 Social Infrastructure Assessment

Policy CO 2 seeks a Social Infrastructure Assessment (SIA) for all residential schemes on zoned land.

Please refer to the Social Infrastructure Assessment submitted with the application.

6.1.4 Part V

Policy HSO 2 seeks 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.

Please refer to drawings (P110, P700 & P701) showing location of Part V units (in pepper-potted arrangement) along with plan and elevation drawings of the house types and Part V Submission Booklet (A3 size) all prepared by Paul Byrne Architects. 54 Part V units will be provided to the Council consisting of 12 no. houses, 8 no. duplexes and 34 no. apartments (20%).

Please also refer to costings for Part V units prepared by Savage Engineering & Property Services Limited.

Kildare Housing Section have confirmed to Savage Engineering & Property Services Limited that they are satisfied with same - see letter from Kildare County Council Housing Section dated 1st September 2022 enclosed with the application.

6.1.5 Design Statement

Policy HCO 4 seeks to require the submission of a design statement with planning applications that incorporate 10 or more residential units.

A detailed Design Statement prepared by Paul Byrne Architects is enclosed detailing the rationale behind the approach to the design of the proposed development and demonstrating compliance with the 12 urban design criteria under the Urban Design Manual which accompanies the SRDUA Guidelines 2009.

6.1.6 Building Height

Section 17.2.1 of the Development Plan identifies that:

"In general heights should respect the local streetscape and the appropriate maximum or minimum height of any building will be determined by:

- *Prevailing Heights in the area*
- *Proximity of Existing Housing*
- *The scale of the Proposal*

In addition it is noted that Section 17.2.1 further states that:

"Tall buildings, defined here as buildings that exceed five storeys and/or 15 metres, will only be considered at areas of strategic planning importance identified in a Local Area Plan. The potential of roof top spaces in tall buildings for open space/amenity use should be considered, subject to considerations of design, relationship with surrounding properties, use and management".

The proposed apartment blocks height ranges from 3 to 4 storeys and measures a maximum of 16.8m high. Please refer to the **Material Contravention Statement** where the issue of building height is addressed. This statement notes that the proposed development does not exceed the 5 storey height limit but does exceed in the maximum height by a minor amount (1.8m).

6.1.7 Landscape

Section 17.4.7 of the CDP deals with 'Public Open Space for Residential Development' and notes that all applications for residential developments shall include a landscape plan.

Please refer to the **Landscape Plan** and section drawings prepared by Landmark Designs Ltd enclosed with the application.

The landscape plan has been checked against the location of all proposed engineering services and street lighting to ensure no conflict with same.

Boundary treatments are also addressed including rear gardens.

The accompanying **Landscape Statement** outlines the rationale behind the landscape plan, including public and communal open space.

6.1.7 Removal of Hedgerows

Policy NH 1 of the CDP seeks to *"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"* - emphasis added.

All mature hedgerow and trees at the perimeter of the site will be retained in situ including those at the boundary of the Protected Structure and cemetery, apart from the proposed entrance to the pump station. Replacement planting will be provided at this entrance.

The central hedgerow boundaries within the site will be removed. An **Arboricultural Impact Assessment** prepared by JM McConville + Associates, Arboricultural Consultants notes that both internal hedgerows will have to be

removed together with part of the low shrub hedge along the R148, east of the old church in order to facilitate the proposed development. The assessment concludes that the loss of these hedges is not considered to be significant given they are of poor quality and can be replaced by new planting in the proposed development.

Please refer to the Landscape Plan which outlines the significant new planting being proposed.

We note that under ABP-306826-20 the An Bord Pleanala Inspector considered Kildare County Council's recommended refusal on account of the removal of hedgerows to be unreasonable given the lands were zoned for residential development"

"I note the hedgerows and trees within the site are representative of those normally located on agricultural lands. The site is zoned residential and designated as a neighbourhood expansion area in the Kilcock LAP with a site specific objective to provide a link road the site. I consider the land use designation on the site would, to an extent, have predetermined the impact on the natural heritage within the site and some removal of trees and hedgerows on the site would be considered reasonable. The proposed landscaping plan integrates a significant amount of tree retention with minimal impact on trees identified as having a high ecological value. Green links throughout the site and between open spaces areas are proposed. Having regard to the amount of tree and hedgerow retention and the proposed landscaping throughout the site, I do not consider the proposed trees and hedgerow removal will have significant negative impact on the visual, landscape character, ecological, biodiversity and climate change qualities of the site, as suggested by the PA" - emphasis added.

6.1.8 Childcare

Section 17.5 deals with Childcare Facilities. It notes that all childcare facilities shall be provided in accordance with the Childcare Facilities: Guidelines for

Planning Authorities (DEHLG). This issue is addressed in the Childcare Demand Statement which shows that the proposed development complies with the guidelines.

6.1.9 Development Management Standards

The relevant development management standards which apply to new residential development are addressed below.

Site coverage

The site coverage at 19.8%[9] is below the 50% maximum for residential development specified in the CDP (s.17.2.2) and reflects the generous public and private open space provision within the scheme.

Plot Ratio

The plot ratio of 0.41[10] is below the 0.5 limit for outer suburban sites in close proximity to public transport (s.17.2.3) and reflects the generous public and private open space provision within the scheme.

Public Open Space

The CDP requires a minimum of 15% public open space for residential development on greenfield lands (s.17.4.7) which, as noted above, has been exceeded (15.82%[11]).

House Size & Storage

Compliance with minimum development plan standards is provided in the 'Housing Quality Assessment - Dwellings' prepared by Paul Byrne Architects which accompanies the application. All minimum development plan storage requirements have been met for the Part V units, but not the remainder of the units. The remainder of the units do however comply with minimum storage

[9] Measured on basis of net developable area.
[10] Measured on basis of net developable area.
[11] Measured on basis of the residential lands only (excludes F3 zoned lands within the site).

standards under the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities 2018 (as revised in 2020).

Private Open Space
Compliance with minimum development plan standards is provided in the 'Housing Quality Assessment - Dwellings' prepared by Paul Byrne Architects which accompanies the application. All minimum requirements have been met.

6.1.10 Car Parking

Houses & Apartments
Table 17.9 of the KCDP 2017-23 requires a minimum of 2 no. spaces per unit for houses and 1.5 spaces per unit + 1 visitor space per 4 apartments for apartments. In relation to the childcare facility the KCDP requirement is 0.5 car park spaces per staff member plus 1 per 4 children.

Please refer to the Traffic and Transport Assessment where compliance with same is addressed in detail.

6.1.11 Cycle Parking

Table 17.10 of the CDP deals with Cycle Parking Standards and notes that Apartments require 1 space per unit + 1 visitor space per 2 units. In relation to the childcare facility the KCDP requirement is 1 cycle park space per 5 staff and 1 cycle park space per 10 children.

Please refer to the Traffic and Transport Assessment where compliance with same is addressed in detail.

6.1.12 Construction and Demolition Waste

Section 17.10.2 of the KCDP states that *"Construction and demolition waste management plans should be submitted as part of development proposals for projects in excess of any of the following thresholds:*
–– New residential development of 10 units or more;".

Please refer to the Construction & Demolition Waste Management Plan prepared by AWN Consulting which is submitted with the application.

An Operational Waste Management Plan has also been prepared by AWN Consulting and is submitted with the application.

6.1.13 Sunlight and Daylight

Section 17.2.5 of the KCDP deals with 'Overshadowing' and states that *"Where development of a significant height is located close to existing development, the planning authority may require daylight and shadow projection diagrams to be submitted".*

It is submitted that the proposed apartments which are the only element of the scheme that could reasonably be described as containing significant height are not located close to any existing development and therefore there is no requirement under the KCDP to provide daylight and shadow projection diagrams.

Notwithstanding same, a daylight and shadow assessment has been prepared by Digital Dimensions. The shadow diagrams show that there will be no material impact on existing or proposed dwellings.

6.1.14 Ecological Impact Assessment

The KCDP only references a requirement for the submission of an Ecological Impact Assessment where deemed necessary by the planning authority for developments along river, stream and canal corridors (Policy GI 19) or for extractive industry development (EI 8). None of these apply. Policy DLO 4 however promotes "*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*".

It is noted that an ecological impact assessment accompanied the SHD application for the adjoining lands (ABP-306826-20) and therefore it was deemed prudent to provide a similar assessment for the proposed development. Please refer to the Ecological Impact Assessment prepared by Dr. Niamh Ni Bhroin.

The assessment concludes that the "*Assessment of the elements of the proposed development show that every effort has been made to minimise the impact of the proposed development on the receiving environment*".

The bat assessment prepared by Dr. Niamh Ni Bhroin concludes that "*Bat species were observed close to the proposed development site. The species are those commonly found in urban areas. Consideration of the recommendation measures identified should support bats locally*".

6.1.15 Link Road

Policy MT 5 seeks to "Prioritise the development of new urban distributor/link/arterial roads to provide access to new communities and employment development to support the economic development of the county".

The proposed new link road forms a key element of the scheme and will achieve this aim.

6.1.16 Draft Kildare County Development Plan 2023-29

Population Growth

The 2016 census outlines that the total population within Kildare in 2016 was 222,504, which was the fifth highest population in the State. Over a 20-year period (1996 to 2016), Kildare experienced a 64.8% (+87,512) increase in its population base, the second highest rate in the State. The growth rate from 2006 to 2016 of 19.4% is the fourth highest in the State.

Population Projection

The Transitional Regional and County Population Projections to 2031 for Kildare as provided in the NPF Roadmap and the RSES, are as follows:

County	2016	2026	2031
Kildare	222,500	249,000 - 254,000	259,000 - 266,500

The above figures for Kildare provide for a population range for the period to 2026 and onwards to 2031. Taking the higher range for each growth band, the county population is projected to increase by **31,500 persons to 2026** with an additional **12,500 to the year 2031.**

Housing Target

The housing target for County Kildare to the end of the Plan period (Q42 2028) is therefore **9,144 housing units** which translates to an additional 25,146 persons.

Settlement Strategy & Hierarchy

Kilcock is identified as a **Self-Sustaining Town** in the Core Strategy - providing local service and employment functions in close proximity to higher order urban areas. The population target for Kilcock by Q4 2029 is 1,066 with a housing target of **366** dwellings.

Table 2.8 – *Settlement Hierarchy – Population and Housing Unit Targets Q1-2023 to Q2-2028*

Settlement Type	Settlement Name	Census 2016 Population	Settlements percentage per total County population	2021 Population Estimate (based on % growth from 2011-2016)	Housing & Population Target %	Population Target 2023 to 2028 (end of Q4) (persons)	Housing Target 2023 to 2028 (end of Q4) (units) in accordance with HSTGs	Residential Zoned Land Require-ment (ha)	Target Residential Density (UPH)
County	**Kildare**	**222,504**		**235387**		**260533**	**9144**		
Key Town	**Naas**	21,393	9.60%	22632	14.9%	3747	1362	40	35-50
	Maynooth (MASP)	14,585	6.60%	15429	10.90%	2741	997[8]		35-50
Self-Sustaining Growth Towns	**Newbridge**	22,742	10.20%	24059	11.60%	2917	1061	35	35-50
	Leixlip	15,504	7%	16402	10.20%	2565	933	31	35-50
	Kildare Town	8,634	3.90%	9134	4.70%	1182	430	14	35-40
	Athy	9,677	4.30%	10237	4.80%	1207	439	15	35-40
Self-Sustaining Towns	**Celbridge**	20,288	9.10%	21463	10.00%	2515	914	30	35-40
	Kilcock	6,093	2.70%	6446	4.00%	1006	366	12	35-40
	Monasterevin	4,246	1.90%	4492	2.60%	654	238	8	35-40
	Clane	7,280	3.27%	7702	2.40%	604	219	7	35-40
	Sallins	5,849	2.62%	6188	1.90%	478	174	6	35-40
	Kilcullen	3,710	1.70%	3925	2.50%	629	229	8	35-40

We submit that this increase in housing targets should be taken into consideration under the assessment of the current application given the fact that if planning permission is granted it will be post 2023 by the time houses are delivered on the ground i.e. within the lifetime of the new development plan.

6.2 Kilcock LAP 2015 – 2021[12] ('KLAP')

6.2.1 Zoning

The site is predominantly zoned **New Residential (C)** with a minor element at the north-west (west of cemetery) and the south (near the motorway) zoned **Open Space & Amenity (F3)**.

<u>New Residential</u>

The objective of 'C' zoned lands is:-

"To provide for new residential development in the Bawnogues area of the town. This zoning provides for new residential development and other services incidental to residential development".

[12] Adopted on 12th November 2015.

The KLAP notes that *"While housing is the primary use in this zone, recreation, education, crèche/ playschool, clinic/surgery uses, sheltered housing and small corner shops are also envisaged, subject to the preservation of neighbouring residential amenity".*

The proposed development consists of residential dwellings and a childcare facility which comply with the New Residential zoning objective.

Open Space & Amenity

The objective of 'F3' zoned lands is *"To preserve a buffer zone from the Motorway".* There is an accompanying note which states *"The planting of forestry will be particularly encouraged in this zone".*

'F3' North-West

It is not clear how the F3 zoned lands to the north-west of the site (west of the cemetery) relate to a buffer zone from the motorway given they are notably distant from same and this appears to be an error. We submit that there appears to be an error in the LAP and this land should be zoned 'F' rather than 'F3' and there is no requirement for planting of forestry.

A pumping station is proposed on the lands to the north-west. Utility structures are 'Open for Consideration' on F3 lands and we note that the principle of this land use on these lands was accepted in pre-planning discussions with Kildare County Council Planning Authority.

'F3' South

There are no works proposed within the F3 lands to the south of the site. This will function as public open space for the benefit of residents, in the same manner as the open space abutting the motorway permitted under ABP-306826-20.

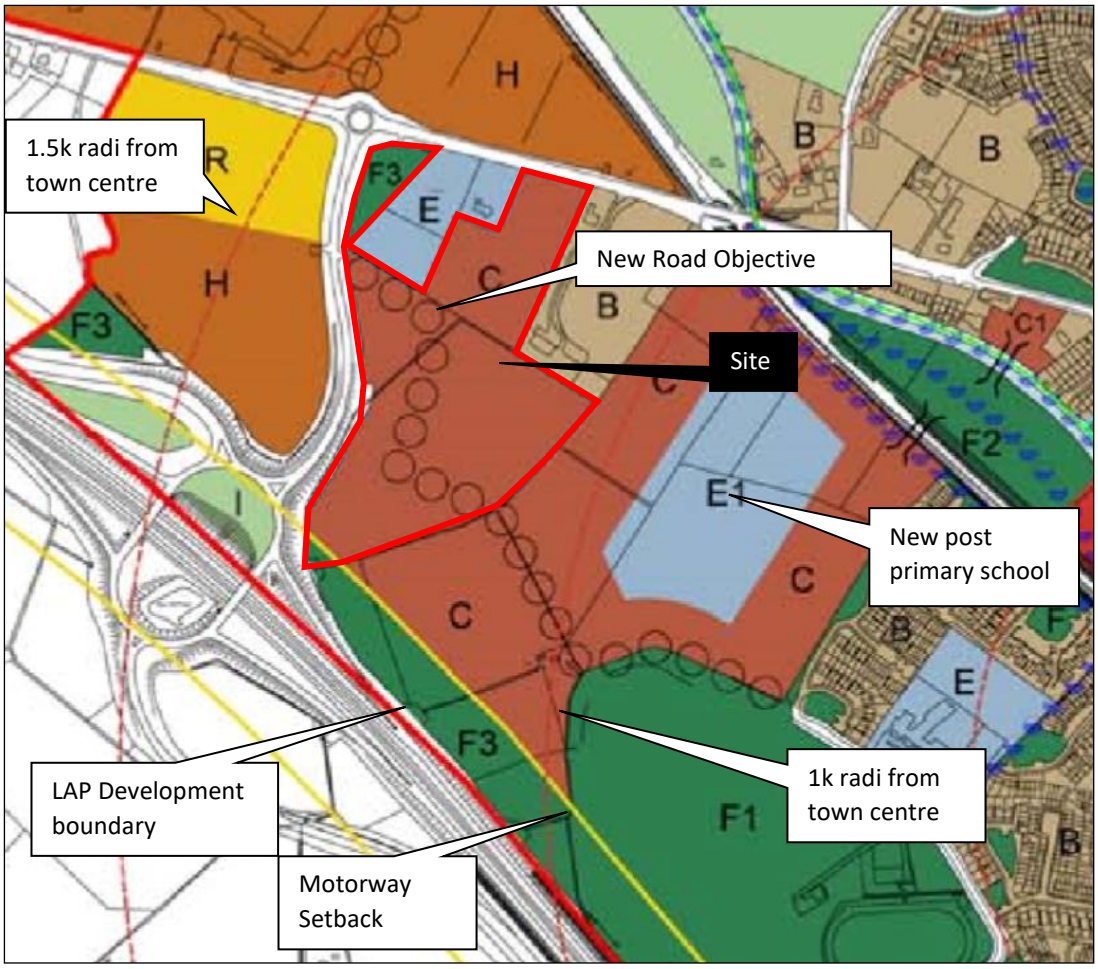


Fig No.20 Zoning Map in Kilcock LAP 2015 - 2021 with site outlined in red and key relevant features of the map highlighted. Red line is indicative only and does not include the works on the public road - refer to site location map prepared by architect.

The **indicative road objective**[13] in the zoning map (row of circle symbols) has been provided for.

The LAP requires that *"The building line of residential development shall be set back 91 metres from the Motorway, which is clearly identified in Map 7. Kildare County Council would support the planting of native woodland species within this zone".*

The **91m building line** from the motorway in the zoning map (yellow colour) has been adhered to.

[13] Objective MTO 25.

6.2.2 Adjoining Zoned Lands

The subject site forms part of a larger area of residential zoned lands to the east and south. Importantly, there is also large area further east of the site zoned 'E1' which is to allow for the development of community facilities to serve these future residential areas. A post-primary school is identified for the E1 zoned lands.

The site also adjoins lands zoned 'E' to the north which contain a cemetery and dwelling (Protected Structure) and lands zoned 'B' (Existing Residential - Boycetown Court). Careful consideration has been afforded to the setting and context of these established land uses in the design with only two storey houses provided in the vicinity of same.

6.2.4 Local Area Plan Maps

Please refer to **Appendix A** for a list of all relevant Maps in the KLAP and how they are relevant to the current application. The maps outline a quite detailed urban design framework for the subject lands and the proposed development seeks to broadly accord with same. A summary of the maps is provided below.

Table No.3 Local Area Plan Maps	
Map	**Relevance to Subject Site**
Urban Design Strategy	• Site is within a Neighbourhood Expansion Area • New Route shown through the subject site • The lands to the west of the site are identified for a proposed park and ride area.
Urban Design Framework	Indicative layout for the subject lands
Transport Objectives Map	Shows a New Road Objective (a-b) running east-west through the site.

Flood Risk Map	Shows the site to be within an area subject to flood risk assessment
Green Infrastructure Map	Showing tree lines, hedgerows (moderate and low value) and open space/amenity on the subject lands.
Built heritage map	Shows protected structure on adjoining lands to north and west of the site.

6.2.5 Relevant Policies and Objectives

Residential Density

Under section 12.4.1 'New Unit Target and Future Housing Provision' of the KLAP it states that *"Map 13 and Table 10 identify the location, phase, site size, density and unit potential and for undeveloped residentially zoned land within the LAP boundary".*

Under Map 13 'Residential Sites' the subject site is identified as **Site 1**, along with adjoining lands to the east and south-east. Table 10 refers to a density of 30 units per hectare for this site.

Table 10: Unit Potential Undeveloped Residentially Zoned Land

Location	Zoning	Site Size	Committed Units	Density	Unit Potential
Site ref 1	New Residential	23ha	N/A	30 per ha	690 units

The proposed net density of 36.46 units per hectare exceeds this density. Please refer to the **Material Contravention Statement** which accompanies the application in this regard.

Road

MTO 25 *To facilitate the future construction of the following roads and in the interim protect their routes from development:*

- *From Mollyware Street (Royal Meadows) to the Branganstown Road.*

- *From the Enfield Road to the County boundary.*
- *From the Bawnogues to the M4 interchange.*

The proposed new link road will connect the permitted link road in the development to the south (ABP-306826-20) to the R148 to the west of the site and will therefore meet this objective.

Noise

Policy QH 15 requires that *"any proposals for residential development in the vicinity of the motorway are accompanied by a Traffic Noise Impact Study"* (See section 9.4.1 GK 10)[14].

Please refer to the **Noise Assessment** prepared by AWN Consulting. The report concluded that the key concern is noise from the surrounding roads and particularly the motorway. The development site has been found to have a noise environment that will be suitable for residential development once appropriate consideration is given to recommended noise mitigation measures.

Apartments

Policy QH 19 seeks to *restrict apartment developments generally to town centre locations or suitably located sites adjoining public transport connections. Apartments will not be permitted where there is an over concentration of this type of development. Higher density schemes will only be considered where they exhibit a high architectural design standard creating an attractive and sustainable living environment.*

There are 123 apartments (including duplexes) proposed in the development. The site is not located in the town centre. In terms of whether it meets the test

[14] Policy RS 3 in the Kildare County Development Plan 2017-23 also seeks to "Ensure that all new developments in proximity to Motorway Routes, National Routes and Regional Routes provide suitable noise protection measures to protect sensitive noise receptors from traffic noise".

of being a 'site adjoining a public transport connection' we note that the 115 and 115A bus routes run along the northern boundary of the site. The bus stop for this service is 700m from the site and is accessible by established footpaths. This distance is comfortably within the recommended 10 minute/1 kilometre walk time in the 10 Minute Town Concept[15] which is has long being recognized in planning circles and is now being formalized as a concept. It is further highlighted that Kildare Transportation Department have specifically requested the provision of a bus stop on the new link road as part of the proposed development. The Council noted in pre-planning discussions that they see this link road becoming a public transport corridor in time. This new bus stop would ensure that all proposed dwellings are within close walking distance of public transport.

We therefore consider that the proposed development is compliant.

We further note that the apartment types are considered to be acceptable at this location having regard to the Urban Development and Building Height Guidelines (2020) which note that *"… these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels"* (s.1.9 - emphasis added).

The Guidelines further state that *"In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility* (Section 3.1) and goes on to state that *"Development should*

[15] The 10 Minute Town Concept seeks to have all community facilities and services accessible within a 10 minute walk or cycle from homes or are accessible by public transport services connecting people to larger scaled settlements. Source: Southern Regional Assembly.

include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods …" (Section 3.6 - emphasis added).

Social Infrastructure

The KLAP requires that *"Large-scale residential and/or mixed–use schemes, depending on local circumstances must be accompanied by a Social Infrastructure Assessment comprising an audit of existing facilities in the area in accordance with the Kildare County Development Plan 2011-2017 (or any subsequent plan). This audit must show how the proposal will contribute to the range of supporting community infrastructure".*

It further adds that *"Proposals for large residential developments must be accompanied by an assessment of the capacity of local schools to accommodate the proposed development".*

A **Social Infrastructure Assessment** has been submitted with the application.

Protected Structure

Please refer to the Architectural Heritage Impact Assessment prepared by John. F. Greene, Conservation Architect[16] in relation to the potential impact on Saint Patrick's Church (Protected Structure) to the north of the site.

The report concludes that the setting of the protected structure, the former Saint Patrick's Church within the immediate vicinity of the proposed development will be affected as a result of the proposed development but, while the proposed development will be visible from some part of it, it is considered that the impact on the setting of this structure will be negligible. Likewise, it is considered that the impact on the setting of Allen Bridge and Boycetown House, which are both a considerable distance from the proposed development site will also be negligible.

[16] Grade One.

Archaeology

A desk-top **Archaeological Assessment** of the site has been prepared by Byrne Mullins archaeologists. It concludes that there are no previously identified monuments or features of archaeological interest located within, or in the immediate environs of, the subject proposed development lands and no surface features of potential were noted by cartographic and aerial photographic interest or by a comprehensive surface reconnaissance survey of the subject lands and immediate environs. In addition, no surface features of archaeological potential are visible on a TII LiDar Survey. The nearest Recorded Monument is at Pitchfordstown, approximately 465m to the southwest of the subject proposed development extents. No features of archaeological interest were undertaken during intrusive investigation undertaken in advance of the construction of the R407 road, outside the western site boundary and the nearest development site which produced subsurface archaeological remains is approximately 265m to the northeast. In addition, there are no artefacts recorded by the National Museum of Ireland as having been discovered from the lands or immediate environs.

Given the above, it is considered that the subject proposed development lands are, generally, of low/moderate archaeological potential.

The report recommends that the subject development lands should be subjected to a programme of pre-development intrusive archaeological testing, undertaken by a suitably qualified and experienced archaeologist and under licence from the Department of Housing, Local Government and Heritage.

Flood Risk

In relation to the inclusion of the subject lands in the area where a site-specific flood risk assessment is required, please refer to the **Engineering Services Report** prepared by Cronin & Sutton Consulting Engineers.

Pumping Station

It is the policy of the Council (SIO 219) to work with Irish Water to provide a new upgraded sewerage pumping station to deliver flows to Leixlip Waste Water Treatment Works via Maynooth.

The proposed new pumping station, which has been designed by Irish Water, will address this policy and serve the proposed development and wider area.

Quality Homes

Chapter 12 of the KLAP deals with Quality Homes. Consistency with the policies outlined in this chapter are provided below. A number of the policies relate to town centre locations only and so are not addressed.

QH 1 To have regard to the DoELG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007); 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2007) and Sustainable Residential Development in Urban Areas' and the accompanying Urban Design Manual: Best Practice Guide (2009).
Refer to the Housing Quality Assessment prepared by Paul Byrne Architects for Apartments and Dwellings.
QH 2 To ensure consistency with the Regional Planning Guidelines for the Greater Dublin Area and make provision for the scale of population growth and housing allocations outlined in these guidelines.
Consistency with the EMRA RSES is outlined above.
QH 3 To require that all new residential developments comply with the Housing Strategy and Chapter 4 Housing of the Kildare County Development Plan 2011-2017, Urban Design Guidelines Chapter 15, Development Management Standards Chapter 19 of the County Development Plan 2011- 2017 as well as the policies and objectives contained in Chapter 13 of this plan (or as may be amended).

Consistency with the Chapter 4 of the KCDP 2017-23[17] is outlined above. Refer to the Design Statement prepared by Paul Byrne Architects for compliance with Chapter 15.
QH 4 To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities.
A variety of house types are provided within the scheme as required. Please refer to the housing mix statement above.
QH 6 To require that larger schemes which will be developed over considerable periods of time are developed in a phased manner ensuring that necessary community infrastructure is delivered in tandem with residential development.
Please refer to the phasing scheme prepared by Paul Byrne Architects. The childcare facility will be provided in phase 3 in order to ensure that there are sufficient houses occupied to provide a commercially viable childcare facility.
QH 9 To ensure that new houses provide for the needs of family accommodation and provide a satisfactory level of residential amenity.
50.72% of the dwellings provided in the proposed development are 3 bed + and will provide for family accommodation. The public open space provision exceeds the minimum 15% requirement in the KCDP 2017-23 and the landscape plan prepared by Landmark Design will ensure high quality landscaped spaces.
QH 10 To ensure that new housing development close to existing houses reflect the character and scale of the existing houses unless there are exceptional design reasons for doing otherwise.
Boycetown Court is located to the north-east of the subject site. It is proposed to provide 2 storey dwellings on the lands adjoining this established housing scheme to ensure a similar character and scale.
QH 12 To require applications for residential development where appropriate to demonstrate the provision of an appropriate mix of dwelling

[17] Replaced the Kildare County Development Plan 2011-17.

types having regard to the following: The nature of the existing housing stock and existing social mix in the area; The desirability of providing mixed communities; The provision of a range of housing types and tenures; The need to provide a choice of housing, suitable for all age groups and persons at different stages of the life cycle; The need to cater for special needs groups.
Please refer to the Housing Mix statement above.
QH 13 To promote more sustainable development through energy end use efficiency, increasing the use of renewable energy, and improved energy performance of all new development.
Please refer to the Energy & Sustainability Report statement prepared by O'Connor Sutton Cronin Consulting Engineers.
QH 14 To require all new residential estates to provide the 'white light' Compact Fluorescent Lamp (CFL) public lighting concept.
Please refer to the lighting plan prepared by Sabre Consulting Engineers.
QH 16 To ensure that all housing is designed in a way that is adaptable and flexible to the changing needs of the homeowner as set out in the Development Management Standards Chapter 19 of the Kildare County Development Plan 2011-2017(or as may be amended) and with regard to the Lifetime Homes Guidance contained in Section 5.2 of the Department of Environment, Community and Local Government 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)
The proposed dwellings all include generous sized rear gardens which allow for future expansion over time if required. Please refer to the Building Lifecycle Report prepared by Savage Engineering & Property Services Limited which deals with the adaptability of apartments.
QH 17 To require compliance with Kildare County Council's policy on the taking-in charge of residential developments.
Please refer to the taking in charge drawing prepared by Paul Byrne Architects.
QH 21 To ensure apartment developments in Kilcock are models of international best practice and deliver the highest quality energy efficient

apartment homes with all the necessary support infrastructure such as nearby public parks and suitable shops contributing to the creation of attractive, sustainable, mixed-use and mixed-income neighbourhoods.
Please refer to Energy & Sustainability Report which outlines the high quality energy efficiency of the proposed apartments. In relation to support infrastructure the proposed development will include a generous amount of landscape public open space for the residents of the apartments. There are no shops proposed as part of the proposed development. The closest shop is situated at Browne's Londis, approximately 800m from the proposed northern entrance to the development on the R148 (10 minute walk or 4 minute cycle) which is considered to be a convenient distance.
QH 22 To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, achieving appropriate target average floor areas and levels of amenity within each apartment development; and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood.
Please refer to the Housing Quality Assessment prepared by Paul Byrne Architects which outlines that all minimum requirements for both houses and apartments/duplexes are met and significantly exceeded in most instances. Please refer to the Social Infrastructure Assessment prepared by this office which outlines the facilities available to future residents of the scheme. The scheme itself will deliver a new purpose-built childcare facility.

7.0 ENVIRONMENTAL

7.1 Environmental Impact Assessment Screening

Please refer to the **Environmental Impact Assessment Screening** prepared by this office which has been submitted with the application. The screening report concludes that there is no mandatory requirement for EIA and outlines why a subthreshold EIA is not required.

7.2 Appropriate Assessment

Please refer to the **Appropriate Assessment Screening** prepared by Dr. Niamh Ni Bhroin, of Dulra is Duchais Teoranta. The assessment concludes that the proposed development will not significantly impact on the Rye Water Valley / Carton SAC Natura 2000 sites. A stage II appropriate assessment is not required.

We note that An Bord Pleanála's Appropriate Assessment Screening under the 2016 appeal also concluded that a stage II Appropriate Assessment was not required. We further note that a stage II Appropriate Assessments was not required for the permitted housing scheme on the adjoining 11.56Ha site (ref: ABP-306826-20) involving 345 no. residential units (69 no. duplex units, 182 no. houses and 94 no. apartments), creche and associated site works

8.0 CONCLUSION

The applicant seeks permission to construct 272 residential units (149 houses, 65 apartments and 58 duplexes), a childcare facility and pumping station along with ancillary works at Boycetown, Kilcock, Co. Kildare.

The proposed development has been designed to accord with Section 28 guidelines and the provisions of the Kildare County Development Plan and Kilcock LAP 2015-2021. Section 28 guidelines have been given precedence where any conflict occurs.

The subject lands are primarily zoned for residential development in the Kilcock LAP 2015-2021. The KLAP is quite prescriptive in terms of the urban framework which guides future development in this area, including the provision of a new link road connecting with the lands to the south. The applicant has sought to follow the urban framework in the LAP as closely as possible.

The scheme has been carefully designed to be sympathetic to the Protected Structure (former church) on the adjoining lands as well as the grave yard and existing housing development (Boycetown Court). There is only two storey housing proposed in this area of the development.

The proposed new spine road through the development directly aligns with the spine road in the adjoining scheme permitted under ABP-306826-20. Furthermore, the strong built edge on the south of the spine road in the adjoining scheme is carried through in the proposed development by the provision of apartments.

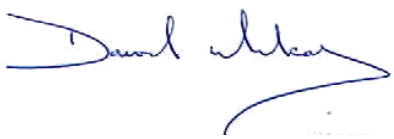
The Kilcock LAP provides for a large area nearby to be developed for community development with a school, health and community centre to be provided, all in the vicinity of the subject site.

A concerted effort has been made under the current application to address the reason for refusal under the previous application (ABP-311037-21) relating to quantitative and qualitative concerns over the public and communal open space. The proposed layout has been changed from the layout that was refused. Both the public and communal open space provision meet the minimum size requirements. In the case of public open space this will be enhanced by the provision of additional open space on lands zoned F3 and a small strip of land under the ownership of Kildare County Council. The communal open space provision significantly exceeds the minimum requirement under the 2020 apartment guidelines and now includes roof top terraces. Qualitatively we submit that the configuration and layout of both public and communal open space has changed and is significantly improved.

Overall, it is submitted to the Board that the proposed development accords with the relevant national and regional planning strategies, meets the requirements under the Kildare County Development Plan 2011-2017 and the Kilcock LAP 2015 – 2021 and represents proper planning and sustainable development of the area.

There is some deviation from the Kildare County Development Plan 2011-2017 and the Kilcock LAP 2015 – 2021 in respect of housing targets, residential density, height and the provision of apartments, but it is submitted that the proposed development can be granted having regard to Section 37 (2) (b) of the Planning and Development Act 2000 as amended.

Signed:



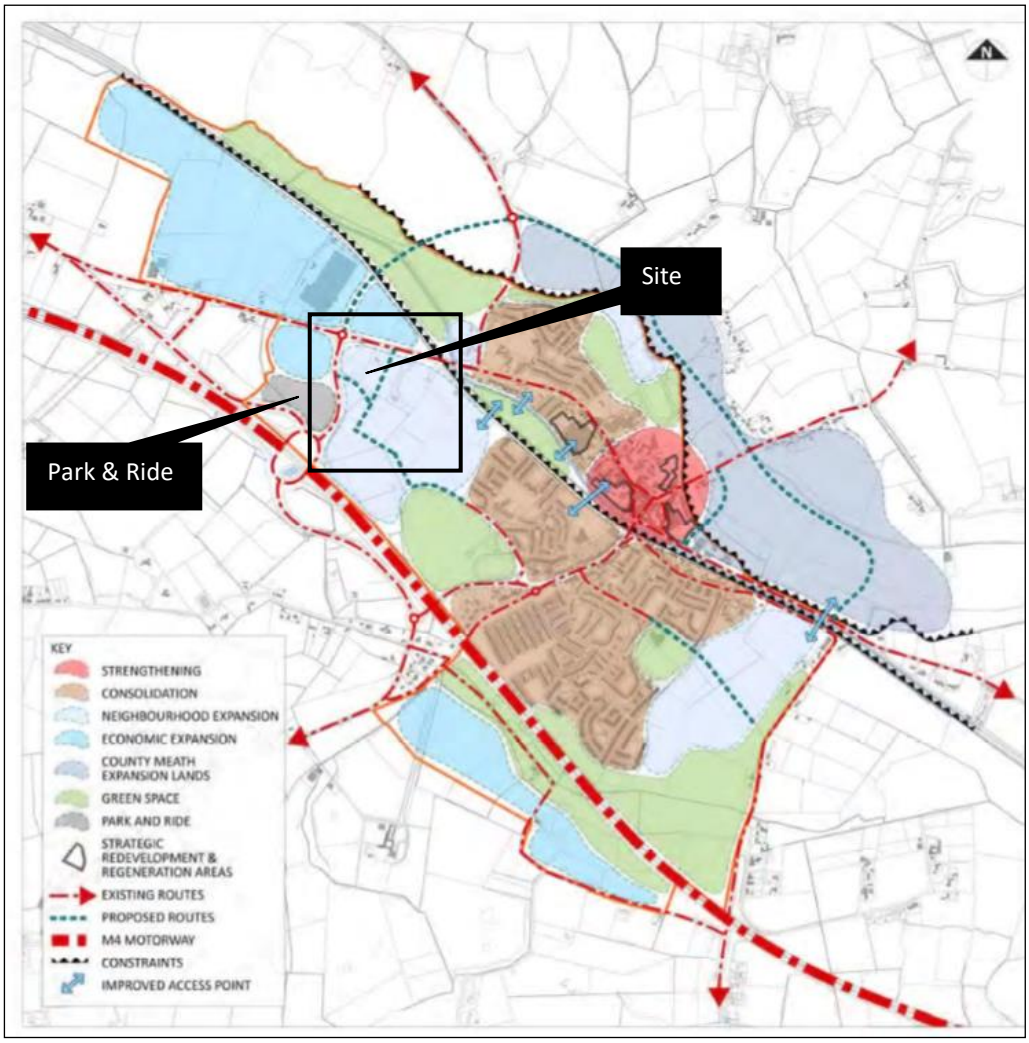
David Mulcahy,

David Mulcahy Planning Consultants Ltd

CHARTERED PLANNING CONSULTANTS

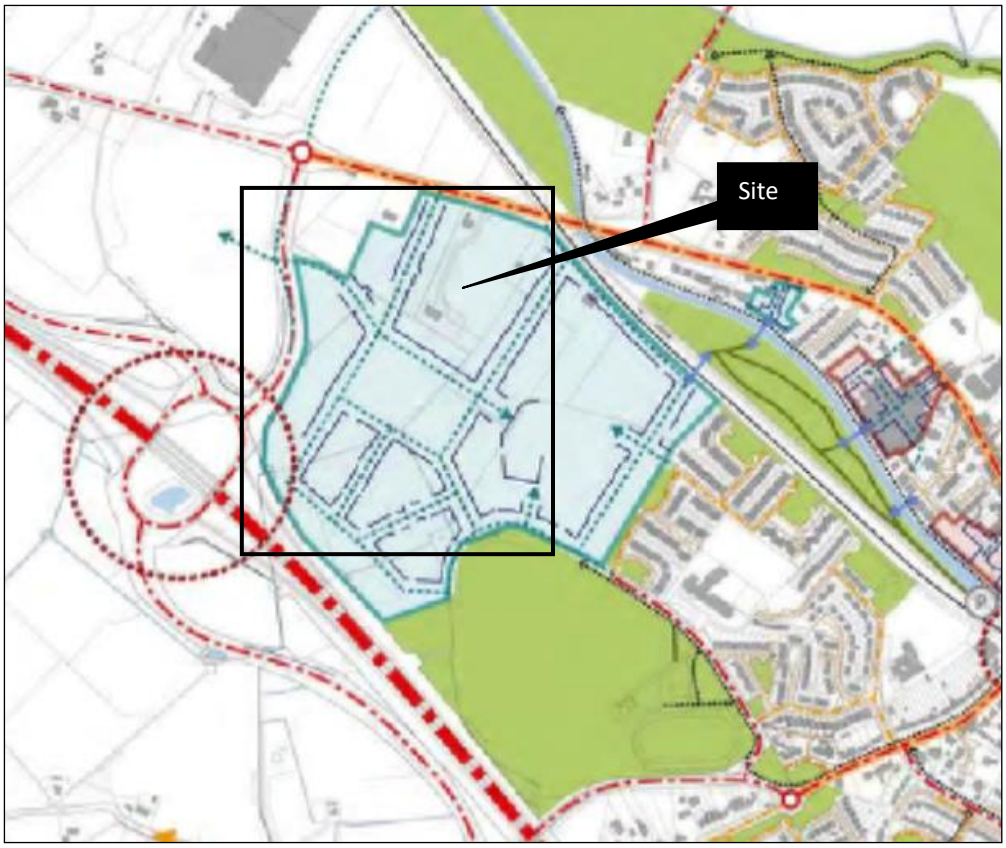
A RELEVANT MAPS IN THE KILCOCK LAP 2015-21 AND HOW THEY ARE RELEVANT TO THE CURRENT APPLICATION.

Urban Design Strategy



Urban Design Strategy (Map No.2) – The subject site is located in the Neighbourhood Expansion area. Note proposed park and ride facility north of motorway junction to west of site.

Urban Design Framework & Indicative Layout



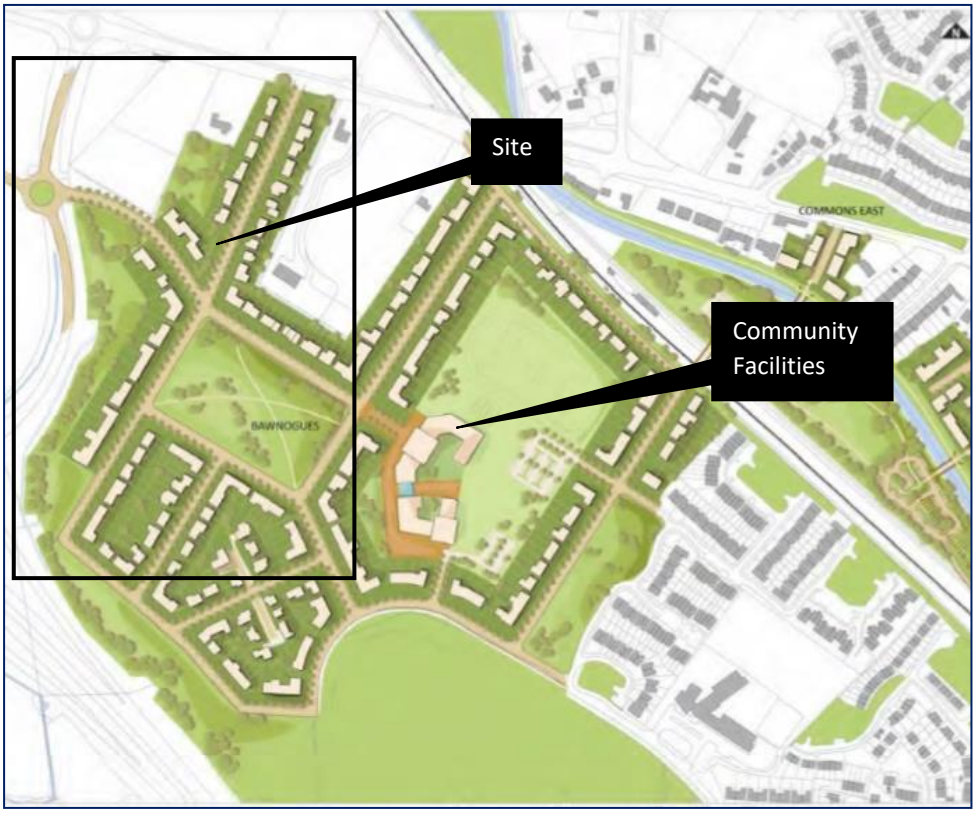
Urban Design Framework (Map No.3) which includes subject lands.

The subject lands are identified in an indicative layout for the Commons East residential expansion lands. The design guidance seeks:

1. To develop a new urban neighbourhood based on sustainable principles
2. To create a high quality physical environment through the development of a coherent spatial structure comprising the following elements:
   - Perimeter block structure.
   - Building frontages addressing the Royal Canal and the Church Street
   - Central spine road linking through the development from Church Street to the Royal Canal along with an interconnected network of neighbourhood streets

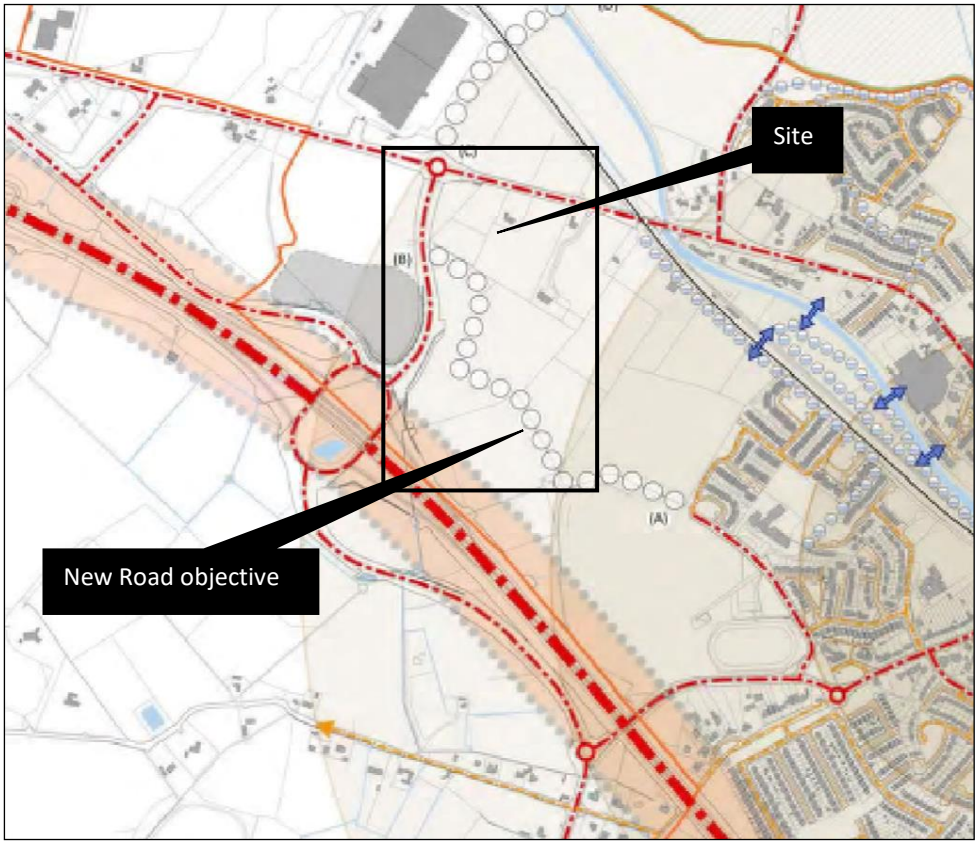
- The incorporation of SUDs into the layout which is integrated into landscape proposals for the development.

3. To provide new linkages to ensure increased connectivity with the town centre and train station.



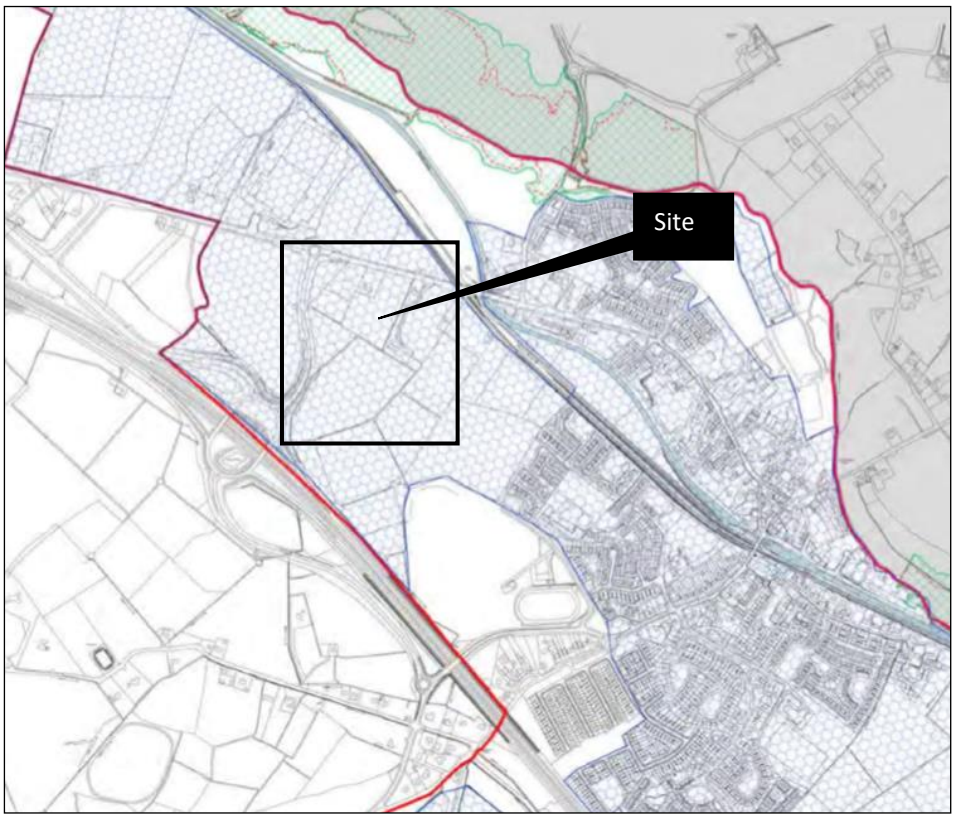
An Indicative Layout (Fig No.28 & 30) is shown for the subject lands including entrances, public open space and location of dwellings.

Transport Objectives Map



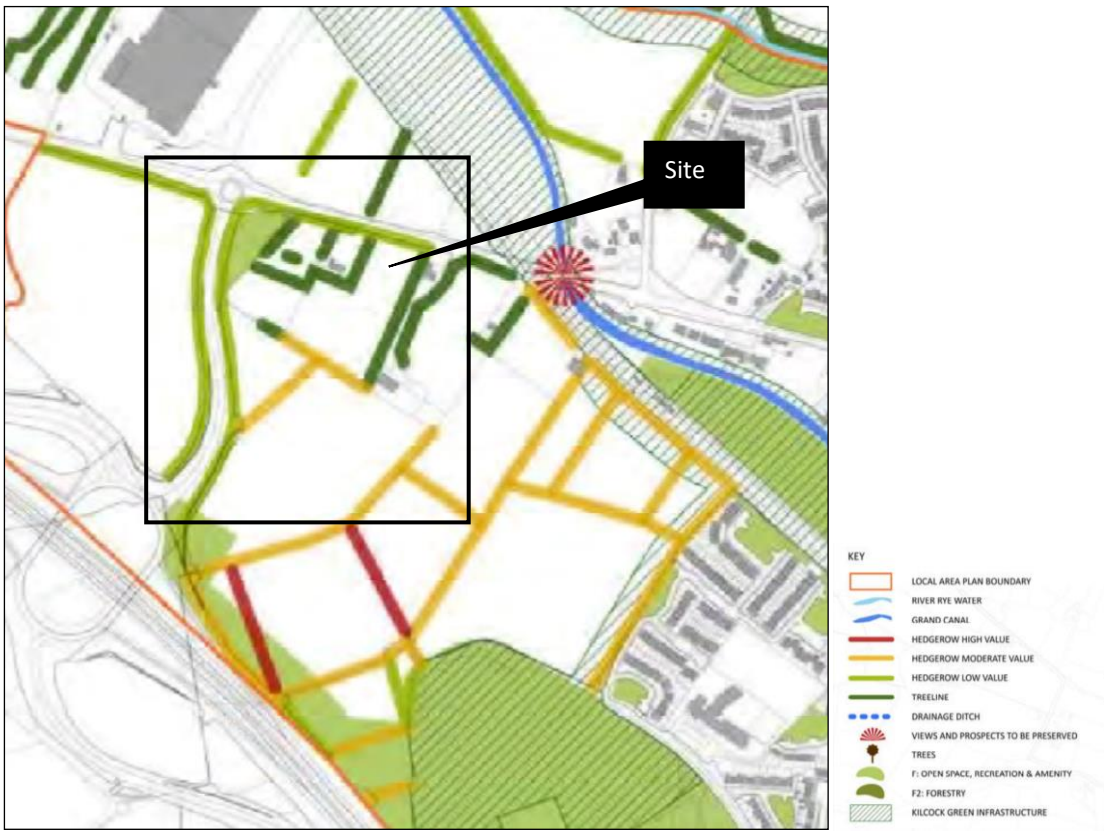
The Transport Objectives Map (No.7) shows a New Road Objective (a-b) running east-west through the site.

Flood Risk Map



The Flood Risk Map (Map No.8) shows the site to be within an area subject to flood risk assessment.

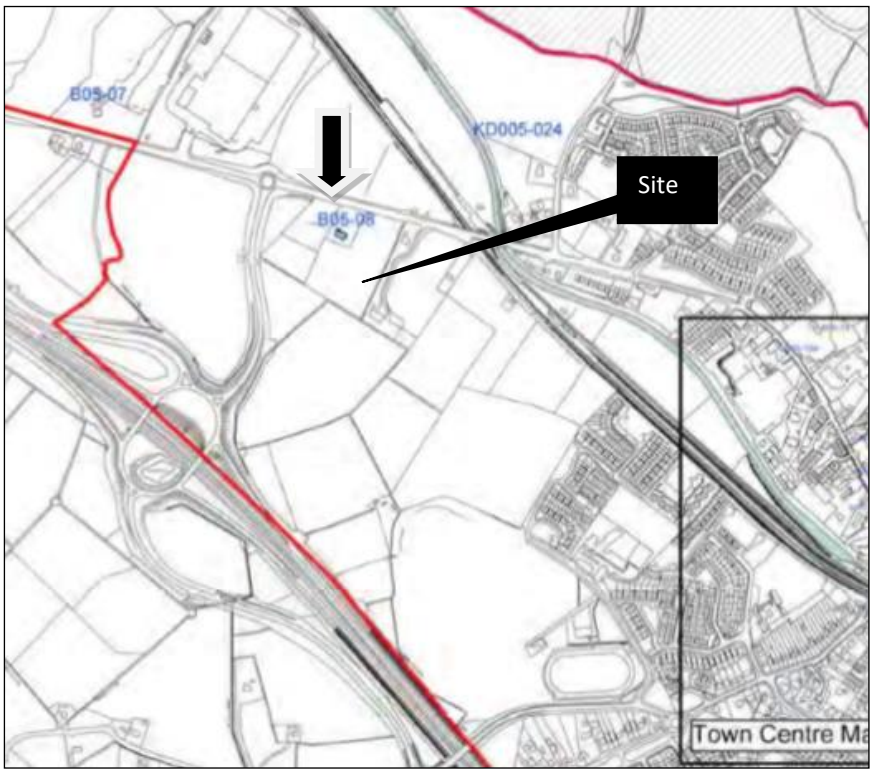
Green Infrastructure Map



Green Infrastructure Map – showing:

- hedgerows of moderate value in the centre of the site,
- hedgerows of low value to the west and north,
- treeline at the perimeter (north end of the site)
- open space on the subject lands

Built Heritage Map



Built heritage map – protected structure on adjoining lands to north of the site.

The Protected Structure in question is Saint Patrick's, Boycetown, Kilcock (House, former Church) RPS Ref: BO5-08 (NIAH Ref: 11900503).