

**STATEMENT OF RESPONSE
TO
AN BORD PLEANALA
PRE-PLANNING CONSULTATION
OPINION – ABP REF. 302746-18**

**Lands in the townland of Kilcock,
Boycetown,
Commons West
(adjoining the Brayton Park estate),
Kilcock,
Co. Kildare**

**On behalf of
Rycroft Homes Ltd.**

February 2020

**Brock
McClure**

Planning & Development Consultants
63 York Road,
Dun Laoghaire

Co. Dublin

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1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dún Laoghaire, Co. Dublin, are instructed to submit this application on behalf of **Rycroft Homes Ltd., 1a Mpo Building, Blanchardstown Business Park, Snugborough Road, Dublin 15**, for a proposed residential development at the townlands of Kilock, Boycetown and Commons West, Kilcock, Co. Kildare. For clarity, the site is located within the administrative boundary of Kildare County Council.

This report is a response to the issues raised in the **An Bord Pleanala (ABP) Opinion Relating to Case No. ABP – 302746-18** dated the 07 December 2018 following the pre-application process and with regard to the consultation meeting for the application for a Strategic Housing Development on the subject site.

This response has been prepared with direct input from:

- C+W O'Brien Architects, Design Architects
- Pinnacle Consulting Engineers
- Ronan Mac Diarmada & Associates, Landscape Architects
- AWN Consulting Engineers
- IAC – Consulting Archaeologists
- Dune Visuals

Where appropriate, formal response pieces are prepared by the above consultants and are enclosed with this application for reference purposes. This report aims to deliver an overview of the response to all matters raised in the opinion issued under ABP - 302746-18.

2 Requirements for this Report

This report is a response to the issues raised in the **An Bord Pleanala (ABP) Opinion Relating to Case No. ABP – 302746-18** dated the 07 December 2018 following the pre-application process and with regard to the consultation meeting for the application for a Strategic Housing Development on the subject site.

The Opinion states that An Bord Pleanala *'is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development'*.

The Opinion further states that *'An Bord Pleanala, considers the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development'*.

The opinion further set out specific information that should be submitted with the application.

In addition, the opinion set out that the applicant shall notify the following authorities in the event of the making of a formal planning application:

- Irish Water
- Transport Infrastructure Ireland
- Coras Iompair Éireann
- Minister for culture, Heritage, and the Gaeltacht

- Heritage Council
- An Taisce – the National trust for Ireland
- Kildare County Childcare Committee

In addition to the above as noted in the minutes of the Kildare County Council meeting of 26.10.2019, the applicant has notified:

- Inland Fisheries Ireland and
- Waterways Ireland of the proposed development.

We can confirm that the prescribed bodies identified by An Bord Pleanála have been contacted and a full copy of the planning application currently under consideration has been furnished to the authorities referenced.

3 Response to Issues Raised by An Bord Pleanala

Introduction

An Bord Pleanala considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.

1. **Water and Waste Capacity Constraints**

Further consideration of documents as they relate to the possible prematurity of development having regard to the existing local network capacity constraints and the constraints in the lower Liffey valley Catchment area and the time frames in which these may reasonably be expected to be addressed particularly where development consents may be required. This further consideration should have regard to the reason for refusal in respect to file ref. no. PL.246663 for the adjoining lands and any change in circumstances since the issuing of this decision by An Bord Pleanala and also any proposals by the perspective applicant which may address these concerns. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

Applicant's Response

Pinnacle Consulting Engineers can confirm that they received a positive response to the initial Pre-Connection Enquiry (PCE), dated 25th June 2019 and a subsequent Statement of Design Acceptance, dated 12th July 2019, from Irish Water in respect of the proposed development.

Pinnacle Consulting Engineers respectfully refer An Bord Pleanala to the fact that the Irish Water issue leading to a refusal on adjoining lands, is not in fact at all relevant to the proposed development on the subject site, as the applicant in the case of An Bord Pleanala Ref. PL.246663 were applying to install a new pumping station on their lands, which Irish Water were not in favour of, coupled with the fact that the outfall of their foul network was crossing 3rd party lands.

The proposed development by Rycroft Homes Limited on the other hand is discharging via gravity, with no pumping elements required and connecting into infrastructure which is under the control of the Local Authority.

Pinnacle Consulting Engineering and the applicant therefore can confirm to An Bord Pleanala that in the case of the subject site there are no such water and waste capacity constraints.

2. **Surface Water Management and Risk of Flooding**

Further consideration of documents as they relate to surface and storm water management for the development lands and risk for displaced or increased discharge of waters downstream to the Rye Water, a SAC.

This further consideration should have regard to the requirements of the local authority in respect to surface water treatment and disposal and SUDS measures proposed for the scheme.

Any surface water management proposals should be considered in tandem with any flood risk assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including associated Technical Appendices') and include hydraulic modelling where considered appropriate. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted

Applicant's Response

In response Pinnacle Consulting Engineers can confirm that the surface water outfall has been redirected from the previous location, i.e. the existing pipe on the Brayton Park Distributor Road, which further downstream was causing issues with Kildare County Council, due to the discharge via a syphon under the Canal.

The proposed development is now being drained through the neighbouring Brayton Park residential development and also into an existing ditch network which runs out beneath the M4 Motorway - both of these discharge locations have been agreed in principle with Kildare County Council in advance of submitted this SHD planning application.

In addition in response to item 2 above a Site Specific Flood Risk Assessment has been carried out by Kilgallen & Partners Consulting Engineers in accordance with the relevant guidelines. SuDs measures proposed as part of this development are discussed in the enclosed report prepared by Pinnacle Consulting Engineers.

3. Development Strategy and Urban Design Response

Further consideration and/or justification to the documents as they relate to the development strategy for the site in respect to the proposed layout, scale and density of the proposal particularly in the context of the provisions of section 7.4.4.1 of the Kilcock Local Area Plan for the Bawnogues Expansion area and the indicative layout provided. In addition, further consideration of national policy and guidelines with particular regard to the 12 criteria set out in the urban Design Manuel, which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009), commencing with criteria no. 1 Context. In addition, any justification should have regard to the proximity to and frequency of public transport services, existing and proposed, and to the strategic location of the site vis-à-vis such services. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted at application stage.

Applicant's Response

The applicant notes that Section 7.4.4.1 of the Kilcock Local Area Plan 2015 – 2021 sets out a series of headings are referenced below and responded to in each case:

1. Achieving Social Diversity:

Critical Mass:

C + W O Brien Architects can confirm that the proposed scheme has been designed as a natural extension to the neighbouring Brayton Park Estate, the proposal reflects a more intense density this is in response to the National Policy Mandate and as part of the strategy to increase the critical mass of the local area, thus providing a sustainable community.

Diverse Dwelling Types and Tenure Mix:

A broad range of unit types are proposed within the proposed development. Units range from 1 bed apartments up to 4 bed detached houses. Within each unit type, there are several variations, for example, a 2-bed unit is offered as a 2-bed apartment, a 2-bed duplex or a 2-bed town houses. Full details are set out in the enclosed Unit Breakdown Schedule prepared by C+W O Brien Architects.

Indistinguishable Social Housing:

Notwithstanding further discussions between the applicant and the Housing Department, Kildare County Council, the applicant can confirm that 35 units are put forward to satisfy the requirements of Part V of the Planning and Development Act 2000 (as amended). The Part V proposals are set out in the Part V booklet prepared by C + W O Brien Architects. The breakdown of Part V units on offer are as follows:

- 11 x 1 bed units
- 12 x 2 bed units

10 x 3 bed units
2 x 4 bed units

C+W O'Brien Architects can confirm that the Part V units are spread throughout the site and will be contained within the housing stock, making them indistinguishable from the overall scheme.

Mix of Uses:

The scheme is predominantly a residential scheme, creche facilities are also provided, the subject site has direct linkages to the proposed school site, located on lands on its immediate boundaries. Additionally, the proposal provides for a land reservation to offer access to a potential pedestrian /cycle bridge across the existing rail line and canal. (to be provided by others) which would provide future linkages to the town centre. Please reference the 'Bridge Memo' prepared by Brock McClure Planning Consultants and the associated attachments, accompanying this application.

2. Environmental Sustainability:

Sustainable Urban Drainage System:

Full details of the proposals for Sustainable Urban Drainage Systems (SuDs) is set out in the enclosed report prepared by Pinnacle Consulting Engineers.

Enhance Local Ecology:

The proposed development includes the incorporation of existing hedgerows and the provision of extensive open spaces and landscaped areas. Full details of the proposals for the subject site are set out in the enclosed Landscape Masterplan and Landscape Rationale document prepared by Ronan Mac Diarmada Landscape Architect. The landscape proposals have been the subject of discussions with Kildare County Council.

3. Local Identity:

Distinctive local character

C+W O'Brien Architects can confirm that the proposed development draws from the existing residential development in the vicinity of the subject site in terms of the choice of materials and the mix thereof.

The use of brick, with the colour reflecting the local established finishes, highlights the feature bays on the proposed house types and apartments. Subtle changes to the colour of the render to the remainder of the proposed houses will ensure that there is a variety of differing house types, which can then inform local character areas.

4. Liveability:

Accessibility:

The proposed scheme will offer clear and defined pedestrian and cycle routes through the site, with linkages to the adjoining lands including Brayton Park Estate and undeveloped lands (as identified on the enclosed Architectural drawings prepared by C+W O'Brien Architects and the Landscape Masterplan prepared by Ronan Mac Diarmada Landscape Architect). In addition, provision has been made within the subject site to provide access to a future pedestrian /cycle bridge (to be provided by others) over the existing Dublin to Sligo rail line. This future link will also provide a route directly to the centre of Kilcock. The site also benefits from a linkage to the new amenity lands to the South of the site.

Well Connected Open Space Network:

As stated above, there is a clear linkage to the new amenity lands to the south of the subject site, as well as a reservation for access to the pedestrian/cycle connection a future bridge (to be provided by other) over the Dublin to Sligo rail line towards the town centre.

Legible design

The layout of streets and perimeter blocks of the scheme links the neighbouring expansion to the adjacent developments and amenities, based on the perimeter block principle of overlooked streets and public spaces.

The overall scheme adheres to the 12 no. criteria points mentioned in the Urban Design Manual. These are included within the Architectural Design Statement prepared by C+W O Brien Architecture and are as follows;

Criteria No.	Criteria	C+W O Brien Architects can confirm that:
1	Context	The development will evolve naturally as part of its surroundings. Form, architecture and landscaping have been informed by the developments place and time, giving a positive contribution to the character and identity of the neighbourhood. The density increased of the development respects the layout of other sites surrounding it, also having appropriate response to the nature of specific boundary conditions, protecting existing hedging in its surroundings.
2	Connections	The scheme offers attractive routes in and out for pedestrians and cyclists and is located close to a mixed-use centre. There is easy access for buses to service the area, which links to existing movement routes and places people need to locate to, and with an appropriate density this helps support the public transport.
3	Inclusivity	The design and layout enable easy access by all, with new homes meeting aspirations of a range of people and households. The design also presents a positive aspect to passers-by, avoiding physical and visual barriers. There is range of public, communal and/or private amenity spaces and facilities for everyone of different ages from the young to the elderly.
4	Variety	The proposed range of housing types and tenure add to the choice available in the area. In addition, a creche forms part of the proposal which complements the existing range of facilities which exist in close proximity to the subject site (including a primary school, health centre and local amenities).
5	Efficiency	The scheme brings residential zone lands into productive use, with consideration for the potential of higher density, considering appropriate accessibility by public transport and the objectives of good design. Buildings, gardens and public spaces are laid out to exploit the best solar orientation. Landscaped areas are designed to provide amenity and biodiversity, protect buildings and spaces from the elements, and incorporate sustainable urban drainage system. With this, appropriate recycling facilities have been provided.
6	Distinctiveness	The scheme is a positive addition to the identity of the locality and has clearly recognisable features so that residents and visitor can clearly

		navigate their way through the proposed development. The proposal successfully exploits views into and out of the site and has a visible focal point to the scheme.
7	Layout	The proposed layout and design has been carefully considered to interconnect a series of routes that are easy and logical to navigate. The proposed streets are designed as places instead of roads for cars, helping to create a hierarchy of space with less busy routes having surfaces shared by pedestrians, cyclists and drivers. The layout focuses activity on the streets by creating active frontages with front doors directly serving the street. Furthermore, traffic speeds are controlled by design and layout.
8	Public Realm	All public open space is overlooked by surrounding residents so that this amenity is owned by the residents and safe to use. Roads and parking areas are considered as an integral landscaped element in the design of the public realm. The proposed play areas are located where they will be overlooked, safe and contribute to the amenities of the neighbourhood. There is also a clear definition between public, semi-private and private space.
9	Adaptability	The proposed design follows good practice and have been designed in order that certain house types are adaptable (subject to the receipt of any relevant appropriate consents in the future). The structure of the home and its loose fit design allows for modification and subdivision, such as the creation of an annexe or small office, without ruining the character of the types, layout and outdoor space. Space in the roof or garage can be easily converted into living accommodation. All homes are energy-efficient and equipped for challenges anticipated from a changing climate.
10	Privacy and Amenity	Each unit has its own private outdoor space. This comprises of back gardens for house units, open private space for duplexes and balconies for apartment block units. The design also maximises units enjoying dual aspect, and windows are sited to avoid overlooking. There is adequate storage provided to each proposed unit and all homes are designed to prevent sound transmission by appropriate acoustic insulation (including those specified within the enclosed Assessment of Inward Traffic Noise prepared by AWN Consulting Engineers).
11	Parking	Appropriate car parking is provided on-street, or within easy reach of the home’s front door. Parked cars are overlooked by the proposed houses, pedestrians and traffic, or stored securely, and there are adequate secure facilities provided for bicycle storage. All parking is provided communally to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces. Materials used for parking areas are of similar quality to the rest of the development in keeping with the overall scheme.

12	Detailed Design	The proposed materials and external design make a positive contribution to the locality, with careful consideration has been given to the detailed design aspect of the proposed scheme including the siting of flues, vents and bin storage. The overall design of the proposed buildings and public space allow for easy and regular maintenance. The proposed car parking areas are considered as an integral element within the public realm design and are treated accordingly.
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4. Movement and Transportation

Further consideration and/or justification of the documents as they relate to vehicular, cycle and pedestrian connections including legibility and permeability to and through the development site. Further consideration should be given to the local policies contained in the Kilcock LAP regarding provision of connections, in particular the specific objectives MTO 11 which seeks to develop a new cycle link from the Bawnogues to the Train Station using ‘The Island as a route along the railway and MTO 25 which seeks to link Bawnogues to the M4 interchange.

Further consideration should be given to how the proposed street hierarchy and access arrangements are consistent with the principles of the Design Manual for Urban Roads and Streets. Consideration should also be given to public transport routes proposed to serve development lands. Further consideration to this issue may require an amendment to the documents and/or design proposal submitted.

Applicants Response

An Bord Pleanala are referred to the enclosed documents which are included as part of this SHD application which sets out full details of the proposed vehicular, cycle and pedestrian connections:

- The Planning Report prepared by Brock Mc Clure Planning and Development
- The Statement of Consistency prepared by Brock Mc Clure Planning and Development which set out compliance with the policies of the of the Kilcock Local Area Plan in relation to connections within the site and to adjoining lands.
- The “Bridge Memo” and associated attachments prepared by Brock Mc Clure Planning and Development which relates to the provision of a future bridge line over the railway line.
- The Landscape Rationale document prepared by Ronan Mac Diarmada Landscape Architects and the associated drawings which identifies the roads, pedestrian and cycle network and linkages proposed as part of this development.
- The Transport Impact Assessment and associated drawings prepared by Pinnacle Consulting Engineers which identifies the proposed street hierarchy and access arrangements. In addition An Bord Pleanala are referred to the enclosed DMURS Compliance Statement prepared by Pinnacle Consulting Engineers.

The proposed development has been the subject of a landscape masterplan proposal agreed in principle with Kildare County Council as presented by Ronan Mac Diarmada Landscape Architects. The proposed development incorporates links at the boundaries of the subject site to adjoining lands (developed and undeveloped to date) this includes pedestrian access and maintenance vehicle access (for Kildare County Council use only) to the adjoining amenity lands to the south of the site at Bawnogues.

The applicant and the design team have given careful attention to permeability within the site itself and the surrounding lands (which include the amenity areas to the south of the subject site, the existing Brayton Park estate and undeveloped zoned lands in the vicinity).

The proposal also offers significant planning gain to the area by way of new pedestrian and cyclist connections. The proposed development provides for a land reservation to facilitate access to a future pedestrian/cyclist bridge over the railway line. The proposed bridge is an objective of the Kilcock Local Area Plan. It will be provided by others, subject to the securing of appropriate consent. The applicant fully supports the provision of this key connection to Kilcock. An Bord Pleanala are specifically referred to the enclosed Bridge Memo prepared by Brock McClure Planning and Development Consultants which set out details of the applicant's engagement with Irish Rail and Kildare County Council as well as ongoing commitment and support for the future bridge link.

The applicant can confirm that the proposed vehicular, cycle and pedestrian connections within the site and linkages to adjoining lands were the subject of discussion with Kildare County Council in advance of lodging this planning application.

Also, pursuant to article 285 (5) (a) of the planning and development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1) (b) of the planning and development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Coras Iompair Eireann
4. Minister for culture, Heritage, and the Gaeltacht
5. Heritage Council
6. An Taisce – the National trust for Ireland
7. Kildare County Childcare Committee

Applicant's Response

The applicant can confirm that the authorities identified above by An Bord Pleanala have been formally notified in accordance with relevant legislation. Copies of the letters sent to the Authorities listed above in each case are attached as part of the SHD application documentation submitted to An Bord Pleanala.

In addition to the above as noted in the minutes of the Kildare County Council meeting of 26.10.2019, the applicant has also notified the following of the proposed development:

- Inland Fisheries Ireland and
- Waterways Ireland.

4 Response to Specific Information Required

Furthermore, Pursuant to article 285 (5) (b) of the planning and development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that , in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. **A layout plan with the zoning objectives overlain on the proposed residential scheme to provide clarity regarding location of residential units vis-à-vis the open space lands.**

Applicant's Response

We invite the Board to refer to the enclosed Architectural Design Statement prepared by C+W O'Brien Architects with regards to the layout plan and zoning objective overlay. This demonstrates that the subject site is located on lands zoned C – 'New Residential' and F3 'Open Space'.

The open space portion has been kept as such in order to comply with the motorway set back of 91m as set out in the Kilcock Local Area Plan 2015-2021.

The applicant can confirm that the portion of lands zoned F3 forms part of the public open space provided within the development and in accordance with the pre planning discussions with the Planning Authority the open space zoned lands are being maintained as open space as part of this planning application.

2. **Landscaping proposals including an overall landscaping masterplan for the development site and site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quality, type of location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.**

Applicant's Response

In response to item 2 An Bord Pleanala are referred to the enclosed report and drawing prepared by Arbor Care and the enclosed Landscape Masterplan drawings and Landscape Rationale document prepared by Ronan Mac Diarmada Landscape Architect.

3. **An Archaeological Impact Assessment.**

Applicant's Response

As requested by An Bord Pleanala the applicant has enclosed an Archaeological Impact Assessment prepared by IAC Archaeologists.

The report concludes that:

"The proposed development is situated with a series of open fields in the townlands of Kilcock and Commons West within the Parish of Kilcock and Barony of Ikeathy and Oughterany in Co. Kildare. A review of cartographic sources revealed that the site remained undeveloped throughout the post-medieval period to the northwest of the town. There are two archaeological sites within the study area, the closest recorded monument consists of a bawn (KD005-019) c. 440m to the southwest in Pitchfordstown. However, the closest archaeological site comprises a SMR for an archaeological excavation (KD005-024) c. 285m to the north in Boycetown. This is the only archaeological investigation to encounter anything of significance in the study area, two pits, one of which contained a small fragment of burnt bone. The field inspection did not identify

anything of archaeological significance, though the townland boundary between Kilcock and Boycetown is extant in all six of the fields it borders, as is the townland boundary between Kilcock and Commons West in the two fields it bounds.”

- 4. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous residential developments and open space lands to the south.**

Applicant’s Response

In response An Bord Pleanala is referred to the enclosed Photomontages and CGI booklet prepared by Dunes Visuals and the associated camera locations map/view locations maps.

The photomontages highlight the following views which are of relevance in terms of their proximity to the existing Brayton Park Estate and the Open Space to the south of the proposed development:

- **View 1 – Photomontage Existing and Proposed Views from Open Space Lands to the South of the Subject Site**
- **View 2 – Photomontage Existing and Proposed Views from Entrance to the Proposed Development**
- **View 3 – Photomontage Existing and Proposed Views from Brayton Park estate (which adjoins the subject site)**

In addition, the applicant has enclosed 3 no. CGI’s and an associated view locations map which have been included with the Planning Application to An Bord Pleanala.

- **CGI View 1 –CGI Internal Views**
- **CGI View 2 –CGI Internal Views**
- **CGI View 3 –CGI Internal Views**

- 5. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.**

Applicant’s Response

In response the applicant has enclosed drawings prepared by C+W O’Brien Architects which identify the existing and proposed levels across the site and the adjoining lands.

- 6. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.**

Applicant’s Response

In response the applicant has enclosed existing and proposed drawings prepared by Pinnacle Consulting Engineers and an associated Engineer Report for the information of An Bord Pleanala. In addition to the above it is noted in the Report for the Purposes of Appropriate Assessment Screening prepared by the Moore Group Environmental Services that:

“There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA).”

7. **A building life cycle report in respect of the proposed apartments as per section 6.13 of sustainable Urban Housing: Design Standards for New apartments – guidelines for planning authorities (2018).**

Applicant's Response

The applicant has enclosed a Building Lifecycle Report co-ordinated and presented by Brock Mc Clure Planning and Development Consultants with the applicant and design team inputs.

8. **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.**

Applicant's Response

The applicant refers An Bord Pleanala to the enclosed School Assessment Report prepared by Brock McClure Planning and Development Consultants.

9. **A Construction and Demolition Waste Management Plan.**

Applicant's Response

The applicant can confirm that appropriate Construction and Demolition Waste Management measures will be adopted and implemented. The applicant would welcome a condition attached to any decision to grant permission for the proposed SHD planning application to prepare and submit a Construction and Demolition Waste Management Plan to Kildare County Council for their agreement at compliance stage.

The applicant has included a report entitled Construction Pollution Control Method Statement prepared by Pinnacle Consulting Engineers as part of this SHD planning application.

10. **A phasing plan for the proposed development which includes the phasing arrangements for the delivery of public open spaces, surface water management proposals having regard to sub-catchments within the scheme and part V provision.**

Applicant's Response

We invite the Board to refer to the Phasing Plan (drawing no. 110) prepared by C+W O'Brien Architects in this regard.

Each of the proposed Phases identified by C+W O'Brien Architects has been reviewed by the applicant's design team in order to deliver appropriate levels of Open Space, Part V proposals as required as well as the provision of the creche facilities and the provision of the roads objective (as per the Kilcock Local Area Plan 2015-2021).

11. **A site layout plan indicating all areas to be taken in charge.**

Applicant's Response

Please refer to Drawing No. 108 prepared by C+W O'Brien Architects in conjunction with Pinnacle Consulting Engineers and the applicant which details the areas to be taken in charge by Kildare County Council upon competition of the development.

12. **Noise Assessment Report having regard to proximity of the site to M4.**

Applicant's Response

In response to item No. 12 the applicant has enclosed an Assessment of Inward Traffic Noise Impact prepared by AWN Consulting Engineers as part of this SHD planning application, this included a

number of mitigation measures which have been implemented by the applicant in this case, the Assessment of Inward Traffic Noise Impact concludes that:

“Following the implementation of the boundary noise barrier and glazing specifications outlined above the internal noise environment within the sensitive areas of the development is predicted to be within the recommended criteria adopted BS 8233. The proposed installation of the acoustic barrier along the southern site perimeter it is considered that external noise levels in amenity areas will be mitigated so as to achieve the lowest practicable levels, within reasonable design constraints, as advised by BS 8233.

In conclusion, with the implementation of mitigation measures proposed within this report, the noise impact of the M4 and railway line on the proposed residential development can be controlled such that the impact is not significant or of a level that would have a significant negative impact on the residential amenity of the proposed dwellings and outdoor spaces”.

- 13. Relevant consents to carry out works on lands that are not included within the red line boundary. The prospective applicant is advised that all works should be as far as possible be included within the red line boundary.**

Applicant’s Response

The applicant can confirm to An Bord Pleanala that consent has been given by Kildare County Council with regards to works to be carried out on lands owned by the Local Authority. A Letter of consent is enclosed from Kildare County Council that relates to a small portion of the subject site in close proximity to the main site entrance.

We refer the Board to the Letter of Consent provided by Kildare County Council and the enclosed overall land ownership drawing No. 111 prepared by C+W O Brien Architects showing the extend of lands owned by the Council that are included as part of this planning application.

In addition to the letter of consent from Kildare County Council, An Bord Pleanala are referred to the 3 no. additional letters of consent relating to other portions of the subject site from the following:

1. Finin Fields
2. Holbourne Construction Swords Ltd
3. Union Castle Ltd

An Bord Pleanala will note that the applicant has full consent to make this planning application on the subject lands.

The Board are referred to the enclosed 4 no. letters of consent as referenced above.

- 14. Appropriate Assessment Screening Report and if appropriate a stage 2 Natura impact Assessment.**

Applicant’s Response

The applicant refers An Bord Pleanala to the enclosed report for the Purposes of Appropriate Assessment Screening Report prepared by Moore Group Environmental Services and the Ecological Impact Assessment Report prepared by Moore Group Environmental Services.

The following has been concluded in terms of screening for Appropriate Assessment:

‘There are no rivers or streams that cross the proposed development site, as indicated in Ordnance Survey Ireland (OSI) Geographical Information System (GIS) data made available by the Environmental Protection Agency (EPA). The site is bounded by the M4 Motorway to the south west, the town of Kilcock to the east, the Dublin/Sligo railway line to the north east and agricultural land to the west

and north west. There are no hydrological pathways to nearby rivers or streams evident. The nearest river, Rye Water, is separated from the proposed Project by the Dublin/Sligo railway line, the Royal Canal, and residential development associated with Kilcock.

The potential for any adverse effects on the Rye Water/Carton or Dublin Bay European sites as a result of the proposed Project is highly unlikely given:

- The distance between the proposed Project and the European sites considered;
- The lack of hydrological connectivity between the proposed Project site and any water courses that flow to the European sites considered; and
- That the proposed Project is to be connected to the existing public sewer networks for the treatment of waste water and surface water.

Having considered the above, significant effects on any European sites as a result of the proposed Project have been ruled out and, therefore, potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

- The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
- The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
- The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
- It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process”.

In addition the Ecological Impact Assessment prepared by the Moore Group Environmental Services concludes the following:

“The development is located in an area of low to moderate ecological value and as such predicted to have a neutral imperceptible effect on biodiversity”.

15. **Applicant needs to satisfy herself and the Board in the event of making an application that the proposed development is not mandatory for the purposes of Environmental Impact Assessment. Attention is drawn to section 7 provisions of the planning and development amendment act 2016 and seek a determination, if desired. In the event that the development is considered sub-threshold, the information referred to article 299B(1)(b)(ii)(II) and article 299b(1)(c) of the planning and development Regulations 2001-2018 should be submitted.**

Applicant’s Response

We refer the Board to the enclosed Legal Opinion document which the applicant has received from Mr. Eamon Galligan SC.

The legal opinion relates to the requirement for an Environmental Impact Assessment in the case of the proposed development, the opinion concluded that:

‘The fact that the site may be within the development boundary for Kilcock does not affect the application of para 10 (b)(iv), Part 2, Schedule 5 of the 2001 Regulations as it is the actual unbuilt context of the development site rather than its development plan designation or potential future developed status that is relevant to the application to this category of EIA development.

I am therefore of the opinion that the proposed development does not fall within para 10 (b)(iv), Part 2, Schedule 5 of the 2001 Regulations:

“(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means district within a city or town in which the predominant land use is retail or commercial use.)’

Accordingly, an EIA or screening for EIA is not required under the legislation.”
(our emphasis)

The EIAR Screening Report which accompanies the application should satisfy the Board further in this regard.

We trust the Board will be satisfied with the above legal opinion provided herein as part of this SHD planning application.

5 Conclusion

We invite the Board to consider the proposal now in front of them. We note the following key summary points:

- It is our considered view that the proposal now submitted delivers on the ambitions of relevant National Guidelines (e.g: National Planning Framework, RSES) and we ask that An Bord Pleanala have regard to this in their consideration of the proposal.
- For all the reasons set out in all documentation it has been demonstrated that the application is robust and in compliance with all relevant strategic and statutory guidance.
- As stated, the proposal is in accordance with the relevant statutory documents and there is an appropriate planning context for this proposal.
- The development can deliver much needed housing, on zoned land proximate to Kilcock and an existing public transport network.
- The proposed residential, creche facilities, associated elements including open space are acceptable in principle at this site and under the zoning on site.
- The applicant can confirm that they have addressed insofar as possible pre-planning feedback from Kildare County Council.
- The applicant can confirm that they have addressed all items listed from the Opinion of the Board following pre-planning meeting as presented in this document.

The applicant requests that the Board consider these points in their review of proposals and we trust that they will view this application as a positive move towards delivery of sustainable development on zoned lands within Kildare County Council.

We trust that the above report and enclosed documentation positively addresses the issues raised in An Bord Pleanala's Opinion.

The Design Team has finalised the scheme on the basis of feedback received through the consultation process and we submit that the final proposal now submitted is reflective of all comments received.