

Strategic Housing Development:

Material Contravention Statement

To accompany a planning application for

Residential Development of 372 no. units

On Lands in the Townland of

Crodaun,
Celbridge,
Co Kildare

Submitted on Behalf of

Ardstone Homes Ltd.

January 2020

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1.0 INTRODUCTION

This Material Contravention Statement accompanies a planning application by Ardstone Homes Ltd. for permission for a residential development of 372 no. residential units, comprising the following:

- 122 no. Apartments in 2 no. apartment blocks 4-storeys in height at the north-western and south-western parts of the site. The apartments provide a mix of one and two-bedroom units, comprising 46 x 1 bed units and 76 x 2 bed units.
- 12 no. 1 bed Maisonettes and 20 no. duplexes (comprising 10 x 1 bed units and 10 x 2 bed units).
- 218 no. houses, comprising a variety of housing forms to include detached, semi-detached and terraced houses. A mix of house sizes are proposed to include 20 x 2 bed; 140 x 3 bed houses and 58 x 4 bed houses.
- A childcare facility measuring approximately 191 sq.m (GFA) at ground floor level of Apartment Block B.
- A new junction onto the R405 Regional Road to serve the proposed development.
- The demolition of an existing agricultural structure.

A total of 633 no. car parking spaces and 340 no. bicycle parking spaces are proposed. The proposed development also includes the provision of 2 no. ESB sub-stations, site and infrastructural works including foul and surface water drainage, attenuation areas, open space, boundary walls and fences, landscaping, lighting, internal roads, cycle paths, footpaths, and cycle and pedestrian connections to the R405 and the R449 Regional Roads.

The site has a developable area¹ that measures approximately 9.18 ha resulting in a net residential density of approximately 40.5 u/ha.

This application is made under the Strategic Housing Provisions of the Planning and Development (Housing and Residential Tenancies) Act, 2016.

This Statement is submitted in relation to text at section 12.2.4 of the Celbridge LAP 2017-2023 (page 68). The text is included in respect of design guidance on 'Built Form' for the designated KDA 4 lands at Crodaun. The text states:

'This site will accommodate medium to low-density residential development in the order of 25 units per hectare. However, where the quality of the design and layout is particularly high, a maximum density of 30 units per hectare may be achievable.'

While this text refers to a 'maximum' density of 30 units per hectare, it is noted that section 13.2 (Development Management) of the Celbridge LAP states that where guidance contained in the LAP could conflict with that contained in the County Development Plan, the County Development Plan takes precedence:

'This LAP outlines specific policies and objectives of the Council with regard to developing Celbridge. The overarching policies and objectives of the Kildare County Development Plan also apply, specifically the

¹ Excluding the areas owned by Kildare County Council (0.232ha) for which consent has been given for its inclusion in the application and lands zoned Objective F (0.136ha).

Development Management Standards set out in Chapter 17. Where conflict exists between the LAP and the CDP, the CDP will take precedence.'

In this regard, as detailed below, Table 4.2 in the County Development Plan provides for a density range of 35-50 u/ha on 'Outer Suburban / Greenfield' sites in Large Towns. A large town is defined as a town with a population of over 5,000. The population of Celbridge at the 2016 Census was 20,288 persons.

As such, there are conflicting statement in the LAP and the appropriate density as provided for in the LAP is considered to be 35-50 u/ha. The proposed density is consistent with this policy provision. It is not consistent however with the conflicting provision rereferring to a 'maximum' density of 30 u/ha, and could be considered to represent a material contravention of that provision.

Accordingly, out of an abundance of caution this Statement has been provided to address material contravention, in accordance with Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act, 2016.

Under Section 5(6), the Planning and Development (Housing) and Residential Tenancies Act, 2016, the Board may grant planning permission for a proposed development that is considered to materially contravene the Development Plan, other than in relation to zoning, having regard to the requirements of Section 37(2)(b) of the Planning and Development Act, 2000, as amended. The requirements of section 37(2)(b) of the Act of 2000 are as follows;

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

It is submitted that the Board can consider granting permission for the proposed development under the provisions of requirements of section 37(2)(b) in contravention of the guidance contained in the LAP for the reasons set out below.

This report should be read in conjunction with the following submitted documentation, prepared by Declan Brassil & Co.:

- Statement of Proposals to Address Issues Raised in the Board's Notice of Pre-Application Consultation Opinion; and
- Planning Report and Statement of Consistency, which includes a statement of compliance demonstrating consistency with the objectives of the relevant Kildare County Development Plan 2017-2023 and relevant Section 28 Ministerial Guidelines.

2.0 SITE LOCATION, CONTEXT AND PROPOSED DEVELOPMENT

The subject site is located in the townland of Crodaun adjoining the established residential neighbourhood of Crodaun Forest Park that forms the current northern urban fringe of Celbridge in County Kildare.

The subject site is easily accessible by public transport, with a number 67 Dublin Bus route stop at the entrance to the site linking Dublin, Celbridge and Maynooth. The nearest train station is Celbridge/Hazelhatch, approximately 3km from the site providing access to Dublin, Cork, Galway, Limerick, Waterford and Portlaoise. Several primary and post-primary schools are within walking distance of the site, and Celbridge Main Street / town centre is situated approximately 2km south of the site. The site is also conveniently located proximate to several employment centres such as the M4 Business Park, with Intel's Leixlip plant located less than 4km to the north.

The site comprises an irregular shaped plot of land that fronts the eastern side of the Maynooth Road (R405) to the south of its junction with the R449, which continues northward to connect at Junction 6 with the M4 motorway.

The site benefits from generous road frontage to the R405 to the west, and R449 to the north. The lands back onto open fields to the north east, and the rear gardens of houses within the established residential development of Crodaun Forest Park to the east and south east.

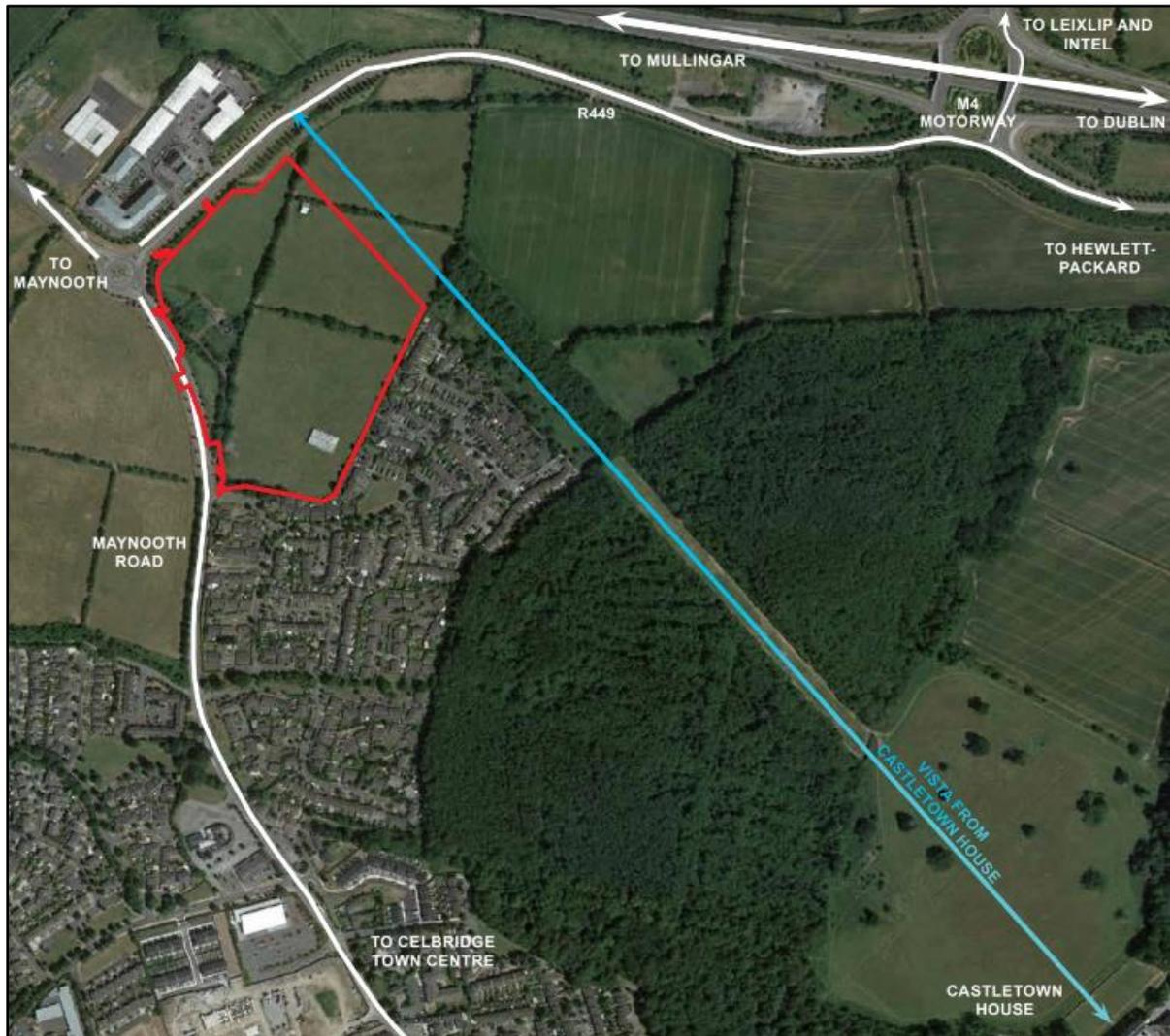
The site comprises a number of open fields and an agricultural structure. The field boundaries are delineated by mature vegetation. There is an existing agricultural access to the lands at its southern end fronting the R405.).

The proposed residential development provides for 372 new residential dwellings, comprising a total of 16 no. dwelling types which include maisonettes, duplexes, apartments, terraced houses, semi-detached houses and detached houses. As stated earlier, the site has a developable area that measures approximately 9.18 ha in area, resulting in a net residential density of approximately 40.5 u/ha.

A total of 633 no. car parking spaces and 340 no. bicycle parking spaces are proposed. The proposed development also includes the provision of 2 no. ESB sub-stations, site and infrastructural works including foul and surface water drainage, attenuation areas, open space, boundary walls and fences, landscaping, lighting, internal roads, cycle paths, footpaths, and cycle and pedestrian connections to the R405 and the R449 Regional Roads.

The proposed apartment units are arranged in two apartment blocks that front the roundabout junction of the R405 and the R449 and the southern corner of the site onto the R405, respectively. Both these blocks are 4-storeys in height and are sited and aligned to provide a strong edge condition to the site and frontage onto the R405 and the return frontage onto the R449.

Figure 2.1 provides an aerial view of the subject site as taken from Google Maps, with the approximate site area outlined in red.

Figure 2.1: Aerial View of Application Site with Approximate Site Area

3.0 LOCAL PLANNING POLICY CONTEXT

The proposed development site is located within the administrative area of Kildare County Council. The relevant statutory development plan is the Kildare County Development Plan, 2017-2023 that is supplemented by the current Celbridge Local Area Plan, 2017-2023 that contains a detailed Design Brief for the Crodaun Key Development Area (KDA) in which the subject site falls. This KDA is identified as KDA4 – Crodaun. The relevant provisions of these plans are summarised under sub-sections 5.3 and 5.4 of the submitted Planning Report and Statement of Consistency that accompanies this application.

In summary, Volume 1 of the Kildare County Development Plan provides general planning guidance and policies/objectives relevant to residential development in Kildare. The KCDP identifies that:

'In accordance with the Planning and Development Act 2000 (as amended), Local Area Plans (LAPs) are required to be prepared for designated Census towns within the county with a population over 5,000. Towns with a population of 1,500 also require LAPs to be prepared, unless objectives for the area of the town are included within the County Development Plan.

LAPs set out in greater detail the Council's requirements for new development, including such factors as density, layout and design requirements, community facilities, transportation, open space and recreational facilities. These plans must be consistent with the County Development Plan. [Emphasis Added in underline]

In this regard the adopted Celbridge LAP provides the detailed development guidance for the subject site.

The KCDP was prepared to be consistent with the now superseded Regional Planning Guidelines for the Greater Dublin Area (RPGs). Celbridge is identified as a tier 3 settlement (Moderate Sustainable Growth Towns) in the Metropolitan Area in the KCDP. These towns are to continue having a strong role in the consolidation of the Metropolitan Area. Future growth is related to the capacity of high-quality public transport connections and the capacity of social and physical infrastructure. Connectivity to adjoining suburbs, towns and employment locations within the Metropolitan Area is also a key requirement particularly focused on local rail, bus, cycle and pedestrian connections.

The Settlement Strategy seeks to *'direct growth into the Large Growth Towns, followed by Moderate Sustainable Growth Towns and Small Towns, whilst also recognising the settlement requirements of rural communities'* (Policy SS2). Objective SO 1 seeks to *'support the sustainable long-term growth of the Metropolitan Area towns of Leixlip, Maynooth, Celbridge and Kilcock and zone additional lands, where appropriate, to meet the requirements of the Core Strategy and Settlement Hierarchy of this Plan'*. The housing unit allocation (Table 3.3) for Celbridge is 3,250 no. additional units over the period 2016-2023.

Chapter 4 of the Development Plan provides that residential expansion will focus on the creation of sustainable communities at locations that can be served by the necessary infrastructure. This approach will make the best use of the county's land and infrastructure resources by ensuring that new development is linked to existing transport services, physical and social infrastructure and amenities.

Table 4.2 of the KCDP sets out general density parameters for different categories of site. Based on the site's Outer Suburban / Greenfield location within a large town, table 4.2 supports a density range of 30-50 units per hectare. Table 4.1 provides guidance on the appropriate location for new residential development in Kildare. Regarding Outer Suburban / Greenfield locations it emphasises the necessity to achieve net residential densities that make efficient use of such lands. This approach seeks to ensure that the best use is made of the county's land and infrastructure resources by ensuring that new development is linked to existing transport services, physical and social infrastructure and amenities.

The entire application site is zoned Objective C, *'to provide for new residential development'* in Celbridge LAP and is adjoined to the north-east by lands zoned Objective F (Open Space) with a specific Objective HLA attached.

Table 4.1 of the KCDP provides the following classification of development sites based on locational factors. The subject site is considered to be an *'Outer Suburban / 'Greenfield' Site'* based on its urban edge location in Celbridge and its greenfield character, as follows:

Outer Suburban / 'Greenfield' Sites – *'Outer Suburban or 'Greenfield' sites are the open lands on the edge of large towns. The development of these sites may require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. It is therefore necessary to achieve net residential densities that make efficient use of these lands in the context of their location and provide a variety of housing types in order to justify the development of these sites. In certain cases, to facilitate a choice of housing types within the county, limited provision*

may be made within large towns for lower density schemes provided that, within a neighbourhood or district as a whole, appropriate densities are achieved.'

Table 4.2 of the County Plan goes on to provide indicative density ranges for residential developments at various locations, based on proximity to the centre of the settlement. Figure 3.1 is an extract of Table 4.2 of the Development Plan.

Figure 3.1: Indicative Density Levels

Category	Location for New Residential Development	General Density Parameters (Units per Ha)	
Large Towns (Pop >5,000)	Town Centre & Brownfield Sites	Site Specific	Subject to the design principles and standards set out in:
	Public Transport Corridors	50 units per ha	
	Inner suburban/infill	Site Specific	Chapter 12 Architecture and archaeological Heritage
	Institutional Lands	35-50units per ha	
	Outer Suburban /'Greenfield'	30-50 units per ha	

Given the urban edge location of the site and its greenfield character, the site could be characterised as an 'Outer Suburban / Greenfield' site for the purposes of Tables 4.1 and 4.2 of the KCDP.

It is noted that the proposed development provides 372 no. units on a net developable site area of 9.18 hectares, resulting in a net density of 40.5 units per hectare. The net development area of 9.18 ha has been calculated by excluding road verges along the perimeter of the site that are in KCC's ownership (0.232ha) and lands zoned Objective F (0.136ha) in accordance with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which states the following:

'A net site density measure is a more refined estimate than a gross site density measure and includes only those areas which will be developed for housing and directly associated uses. These will include:

- *access roads within the site;*
- *private garden space;*
- *car parking areas;*
- *incidental open space and landscaping; and*
- *children's play areas where these are to be provided.*

It therefore excludes:

- *major and local distributor roads;*
- *primary schools, churches, local shopping etc.;*
- *open spaces serving a wider area; and*
- *significant landscape buffer strips.' [Emphasis Added]*

On the basis that the site could be most appropriately characterised as an 'Outer Suburban / Greenfield' site where the 35 - 50 units per ha indicative density range applies, it is considered that the guidance

contained in the Celbridge LAP for KDA4 where it promotes a maximum permissible density of 30 units per hectare is not only inconsistent with the KCDP and relevant National Guidance in this respect. Given its current status as the adopted development plan for Celbridge it could result in the proposed net density of 40.5 units per hectare being perceived as a material contravention of the Celbridge LAP notwithstanding compliance with the KCDP.

4.0 MATERIAL CONTRAVENTION

Under Section 5(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, the Board may grant planning permission for a proposed development that is considered to materially contravene the Development Plan, other than in relation to zoning, having regard to the requirements of Section 37(2)(b) of the Planning and Development Act 2000, as amended. The requirements of Section 37(2)(b) are discussed in Sections 4.1 and 4.2 below.

4.1 Section 37(2)(b)(i) – Strategic or National Importance

With reference to the RSES and the National Planning Framework (NPF) it is submitted that the proposed residential development is of strategic importance.

The proposed development comes within the definition for ‘Strategic Housing Development’ under the Acts on the basis that the proposed development exceeds 100 no. units and is located on zoned residential land. Accordingly, the proposed development can be considered to be ‘Strategic’ for the purposes of Section 37 (2)(b)(i).

Furthermore, it is submitted that the proposed development of 372 no. units in the Metropolitan Town of Celbridge is of strategic importance in terms of securing appropriately designed compact residential development on zoned and serviced lands, being located on an appropriate urban expansion site of the edge of the town that is situated immediately adjoining a bus route (number 67 Dublin Bus route stop at the entrance to the site linking Dublin, Celbridge and Maynooth). The subject site is accessible to the town centre which is situated approximately 1.5km to the south along the R405. The need for compact residential development in appropriate urban locations, close to employment and recreational opportunities, at a sustainable density which contributes to the viability of services, shops and public transport has been reinforced by national and regional planning policy and guidance, including the NPF, RSES, the Building Heights Guidelines and Apartment Guidelines published in 2018, as outlined in Section 4.3 below. This national policy context has evolved to address the national housing crisis that has had a profound effect on the Greater Dublin Area.

The proposed development will also contribute to achieving the core strategy housing allocation of 3,250 dwellings for Celbridge, as identified in Table 3.3 of the KCDP.

As such, it is submitted that the proposed development satisfies the requirements of section 37(2)(b)(i) of the Act.

4.2 Section 37(2)(b)(ii) – Conflicting Objectives in the Development Plan

The KCDP designates Celbridge as a (Moderate Sustainable Growth Towns) in the Metropolitan Area in the KCDP. These towns are to continue having a strong role in the consolidation of the Metropolitan Area. Future growth is related to the capacity of high-quality public transport connections and the capacity of social and physical infrastructure. Connectivity to adjoining suburbs, towns and employment locations within the Metropolitan Area is also a key requirement particularly focused on local rail, bus, cycle and pedestrian connections. The KCDP Settlement Strategy seeks to *'direct growth into the Large Growth Towns, followed by Moderate Sustainable Growth Towns and Small Towns, whilst also recognising the settlement requirements of rural communities'* (Policy SS2).

Chapters 2 (Core Strategy), 3 (Settlement Strategy) and 4 (Housing) include the following policies and objectives which support the sustainable development of residential lands in existing urban settlements in accordance with national policies, providing compact development forms with a mix of unit types at a density that will support the ongoing viability of social and physical infrastructure and services:

- CS 4 *'Deliver sustainable compact urban areas through a plan-led approach'*.
- SR 1 *'Support sustainable residential development in established urban areas at appropriate locations, to support the ongoing viability of social and physical infrastructure and services, and to meet the future housing needs of the county. Standards in relation to residential development in established urban areas are set out under Chapter 17 of this Plan'*.
- HC 1 *'Support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities'*.
- LD 1 *'Promote residential densities appropriate to its location and surrounding context'*.
- LDO 1 *'Ensure that the density of residential development maximises the value of existing and planned physical and social infrastructure and makes efficient use of zoned lands in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009)'*.
- MDO 1: *'Require that new residential developments provide for a wide variety of housing types, sizes and tenures'*.

As demonstrated in the submitted Planning Report and Statement of Consistency, the proposed development is considered to be in accordance with the above planning policies and objectives of the County Development Plan and relevant density guidance contained therein (Tables 4.1 and 4.2).

Section 12.2.4 of the Celbridge LAP 2017-2023 (page 68) provides design guidance in respect of 'Built Form' for the designated KDA 4 lands at Croudaun. It states:

'This site will accommodate medium to low-density residential development in the order of 25 units per hectare. However, where the quality of the design and layout is particularly high, a maximum density of 30 units per hectare may be achievable.'

Section 13.2 (Development Management) of the Celbridge LAP states that where guidance contained in the LAP could conflict with that contained in the County Development Plan, the County Development Plan takes precedence:

'This LAP outlines specific policies and objectives of the Council with regard to developing Celbridge. The overarching policies and objectives of the Kildare County Development Plan also apply, specifically the Development Management Standards set out in Chapter 17. Where conflict exists between the LAP and the CDP, the CDP will take precedence.'

Table 4.2 in the County Development Plan (see Figure 3.1, above) provides for a density range of 35-50 u/ha on 'Outer Suburban / Greenfield' sites in Large Towns. A large town is defined as a town with a population of over 5,000. The population of Celbridge at the 2016 Census was 20,288 persons.

As such, section 12.2.4 of the LAP referring to a maximum density of 3.2 u/ha, is in direct conflict with Section 13.2 of the LAP which provides for 35-50 u/ha as provided for under Table 4.2 of the County Plan. It is submitted that section 12.2.4 is also in direct conflict with *inter alia* Objectives CS 4, SR 1, HC 1, LD 1, and LDO 1 of the County Plan, and national policy.

Accordingly, it is submitted that the proposed development satisfies the requirements of section 37(2)(b)(ii) of the Act.

4.3 Section 37(2)(b)(iii) – National Policy and Guidance

National Planning Policy of relevance to the density, form and layout of the proposed development are identified in the submitted *Statement of Proposals to Address Issues Raised in the Board's Notice of Pre-Application Consultation Opinion and Planning Report and Statement of Consistency*, which includes references and an assessment of compliance with the following:

- National Planning Framework
- Eastern and Midland Region Spatial and Economic Strategy (RSES)
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual') (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)

The proposed development has incorporated the relevant policies and objectives as contained therein. Accordingly, it is submitted that the proposed development is consistent with the overarching purpose and principles of the national and regional policies and guidelines outlined below.

4.3.1 National Planning Framework

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The key emphasis of the NPF is to ensure balanced regional growth, the promotion of compact development and the need to avoid urban sprawl.

National Policy Objective 32 of the NPF sets at target for the delivery of of 550,000 additional households by 2040. To meet projected population and economic growth, as well as increased household formation, annual housing output will need to increase to 30,000 to 35,000 homes per annum to 2027, with an average output of at least 25,000 new homes between 2018 and 2040.

The NPF also promotes the provision of lifetime adaptable homes that can accommodate the changing needs of a household over time and a move from historical low-density housing development to avoid urban sprawl, noting that apartments will become a more prevalent form of housing. This is underpinned by on-going population growth, movements towards smaller household sizes, an ageing and more diverse population, greater mobility in the labour market and a higher proportion of households in the rented sector. It is stated that an increase in the proportion of more compact forms of growth in the development of settlements of all sizes can contribute to the viability of services, shops and public transport, increase housing supply and enable more people to be closer to employment and recreational opportunities whilst promoting sustainable modes of transport such as walking and cycling rather than private car use.

Kildare, Meath and Wicklow are included in the Mid-East area of the Eastern and Midland Region in the NPF. Under National Policy Objective 1b, the population of the Eastern and Midland Region is to increase by 490,000 – 540,000 to around 2.85 million people by 2040. In addition, Section 4.3 of the NPF states that there is a need to encourage population growth in towns of all sizes where potential for sustainable growth exists, also supported by employment growth.

4.3.2 Eastern and Midland Region Spatial and Economic Strategy

The Eastern and Midland Region Spatial and Economic Strategy (RSES) came into effect on 28 June 2019. The statutory purpose of the RSES is to support the implementation of National Framework Plan and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the Regions.

In accordance with the policies and objectives of the National Framework Plan, the RSES targets a greater proportion of future housing development to be accommodated within and close to the existing built up urban areas. The RSES notes that a key challenge facing the region is the continued growth rates of household formation coupled with a severe slowdown in the development of new housing stock during the economic recession, resulting in housing supply and affordability pressures in both sale and rental markets, particularly in Dublin and urban areas but affecting all of the region.

As a highly urbanised settlement, Celbridge forms part of the wider Dublin Metropolitan area. Under the RSES a Dublin Metropolitan Area Strategic Plan (MASP) has been prepared to manage the sustainable and compact growth of Dublin. The MASP area covers 7 local authorities, including Kildare. It is anticipated that during the lifetime of the RSES the population of the MASP area will increase by 16%, or 250,000 people.

The MASP seeks to achieve its aims through the implementation of Guiding Principles, including compact sustainable growth and accelerated housing delivery. The RSES estimates a requirement of 7,500 units per year to meet the annual target of 25,000 new homes set by the NPF and Rebuilding Ireland. A sequential approach to development is supported.

Policy Objective RPO 5.4 encourage future development of strategic residential development areas within the Dublin Metropolitan area to 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 ensures the development of a specified key development area identified to consolidate the urban area of Celbridge. The provision of 372 no. units at the subject site will assist in achieving an appropriate density consistent with the provisions of the RSES and associated objectives of the NPF.

4.3.3 Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities

The Sustainable Residential Development in Urban Areas Guidelines, 2009 (SRDUA Guidelines) contain specific policies and objectives in relation to the scale and location of new residential development, the need for high quality design of residential areas and the use and development of infill, greenfield and brownfield sites.

Section 5.11 promotes a net residential density range in the order of 35-50 dwellings per hectare for 'Outer Suburban/Greenfield sites', such as the subject site. Furthermore, Section 5.11 of the Guidelines also states that 'development at net densities of 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'.

It is submitted that the promoted density of 25 units per hectare, subject to a maximum of 30 dwellings per hectare as contained in the development brief / guidance for the Crodaun KDA4 would not provide for an acceptable efficiency in land use and would be contrary to the SRDUA Guidelines.

The proposed net density of 40.5 u/ha was calculated in accordance with Appendix A of the SRDUA Guidelines. The proposed density is in excess of the maximum of 30 dwellings per hectare (as advocated in the adopted Celbridge LAP) but is entirely consistent with the density guidance contained in both the KCDP and the SRDUA Guidelines for 'Outer Suburban/Greenfield sites', such as the subject site.

It is submitted that the proposed density is in accordance with the general policies and guidance provided in the SRDUA Guidelines, particularly in relation to the creation of a definitive urban edge, the consolidation of the urban area, and the provision of a high quality development that provides a sustainable mix of household types in line with the future needs of the settlement. The proposed development represents a sustainable and appropriate extension of the urban area of Celbridge and has been designed to provide an appropriate relationship and interface with the adjoining Crodaun Forest Park development to the south thereof whilst providing an appropriate edge condition and form along a key vehicular entrance route from the M4 into Celbridge town.

4.3.4 Urban Development and Building Heights – Guidelines for Planning Authorities

The Guidelines emphasise the need for urban consolidation, intensification and densification of both brownfield and greenfield development land. Paragraph 3.4 states:

'Newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). Such developments deliver medium densities, in the range of 35-50 dwellings per hectare net. Such developments also address the need for more 1- and 2-bedroom units in

line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more-bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. These forms of developments set out above also benefit from using traditional construction methods, which can enhance viability as compared to larger apartment-only type projects.' [Emphasis Added in underlining]

The Guidelines state at Paragraph 3.7:

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

All Development Plans will need to be reviewed to ensure consistency with a number of Specific Planning Policy Requirements (SPPRs) contained therein, including SPPR 4, that states:

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

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;***
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and***
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.***

The proposed development provides a net density of 40.5 units per ha, within the 35-50 units per hectare range prescribed for new residential developments that are outside of town centres and within the suburban edges of towns. The proposed development includes 2 and 3 storey housing forms whilst both the proposed apartment blocks are 4-storey in height. The proposed low rise and lower-density forms of housing have been sited and designed to provide an appropriate interface and relationship with the adjoining Crodaun Forest Park development. The taller elements and higher density forms of development have been cited and designed to provide appropriate edge conditions and focal points. In this regard the proposed edge condition created along the R449 and R405 road frontages was a direct response to Item 1 of ABP's opinion, as addressed under sub-section 3.1.1 of the submitted *Statement of Proposals to Address Issues Raised in the Board's Notice of Pre-Application Consultation Opinion*.

In this regard it is noted that the Design Guidance for KDA4 in the LAP that:

'Larger open spaces should provide a focus for development alongside both sides of the road with smaller areas of open space being utilised to provide a landscape buffer to the Maynooth Road...'

Notwithstanding this guidance, the Board's Opinion suggested that consideration be given to creating a more defined urban edge condition along this key road frontage.

In response to Item 1 of the ABP Opinion, the site layout has been revised to incorporate a strong and defined urban edge along this key approach road to Celbridge. A 4-storey apartment block is proposed at the junction of the R405 (Maynooth Road) and the R449 (Leixlip Road) to provide a legible gateway building and a well-defined urban edge at the junction. To the south of this block, along the mid-section of the Maynooth Road, frontage it is established by two rows of terraced houses on either side of the principal vehicular access to frame and mark the entrance to the development. The terraces comprise primarily two-storey houses punctuated by three storey elements at the development entrance situated approximately mid-way long the Maynooth Road frontage. The terraces are aligned with the apartment block facing the roundabout junction and are book-ended at the southern end by another 4-storey apartment block that cranks to form and frame a public open space immediately to the south thereof.

It is submitted that this edge condition to the Maynooth Road presents a uniform building line that is defined by a strong built form of 2, 3 and 4 storey elements provided by a combination of terraced houses and apartment blocks. The proposed layout also facilitates the retention and integration of existing trees along the Maynooth Road to provide an appropriate element of landscaped edge as envisaged in the LAP.

At the opposite end of the site (north) the revised site layout plan proposes 26 units directly addressing the open space, comprising of 5 terraces of predominantly two storey houses bookended at key corner locations by 3 storey elements. These terraces are similar in character and appearance to the terraces fronting Maynooth Road. It is submitted that this uniform and strong edge condition provides an appropriate interface with the adjoining amenity lands and will facilitate an appropriate level of enclosure and passive surveillance of this interface with the zoned amenity lands. In addition, the proposed central visual and movement axis through the site promotes vehicular and pedestrian movement through the site, with two pedestrian linkages proposed- one at each end of the site boundary onto the amenity lands to provide improved linkages and permeability.

These design changes that have been made in response to the issued ABP opinion, not only provides an appropriate urban design response but it also ensures the delivery of an appropriate and responsive density of development that incorporates an appropriate mix of dwelling in a variety of housing forms of differing heights that provides variety and visual interest whilst responding positively to the surrounding context of the site.

Whilst the proposed density and height of the development exceed the guidance in the Celbridge LAP for KDA4, it is considered entirely consistent with the SRDUA and Urban Development and Building Heights Section 28 Guidelines, as set out above.

4.3.5 Sustainable Urban Housing: Design Standards for New Apartments

The Sustainable Urban Housing: Design Standards for New Apartments 2018 builds upon and updates the 2015 guidelines based on current and predicted future housing requirements in Ireland. The '*Sustainable Urban Housing: Design Standards for New Apartments*' (2018) take into account the Housing Agency *National Statement on Housing Demand and Supply*, the Government's action programme on housing and homelessness *Rebuilding Ireland and Project Ireland 2040*, and the *National Planning Framework*, published since the 2015 guidelines. The Guidelines state that it is critical to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types and tenures, reflecting contemporary household formation and housing demand patterns and trends, particularly in urban areas.

Section 2.4 of the guidance identifies locations that may be suitable for apartment development having regard to a broad categorisation of different locations depending on its proximity and accessibility to public transport considerations.

Section 2.5 of the guidance acknowledge the importance of providing apartments within any proposed residential scheme where it states that:

'While the provision of apartments may not be required below the 45 dwellings per hectare net density threshold, they can allow for greater diversity and flexibility in a housing scheme, whilst also increasing overall density. Accordingly, apartments may be considered as part of a mix of housing types in a given housing development at any urban location, including suburbs, towns and villages.' [Emphasis Added in underlining]

Having regard to the above guidance, it is submitted that the proposed apartment blocks are not only considered essential from an urban design perspective in creating an appropriate edge condition to the approach roads to the site, but it is also considered necessary to deliver an appropriate mix of housing forms and an appropriate residential density in accordance with the SRDUA guidelines.

It is submitted that the proposed density is appropriate for the subject site in Celbridge, a designated Moderate Sustainable Growth Town in the Metropolitan Area of Dublin, and is consistent with national policy for the following reasons:

- (a) The delivery of a compact sustainable urban area in Celbridge, considering the location of the site immediately adjacent to an existing bus route and accessible by sustainable modes from the town centre, major employment opportunities and schools.
- (b) It provides a critical mass of population that contributes to achieving the core strategy allocation in the KCDP of 3,250 units, of which a total of only 145 units have extant and implementable planning permissions (according to Table 3.4 of the KCDP). The proposed increase in housing provision and associated increase in the resident population of Celbridge will significantly contribute towards Celbridge functioning as a Moderate Sustainable Growth Town, and contribute towards the consolidation of the Metropolitan Area.
- (c) It will provide a wide and sustainable mix of unit types, sizes and tenures that addresses the identified demand and demographic profile of the area, as indicated in Chapter 5 of the accompanying EIAR. The Planning Report and Statement of Consistency provides a detailed breakdown of the proposed housing mix in Table 3.1 which identifies a total of 16 no. dwelling types, which include maisonettes, duplexes, apartments, terraced houses, semi-detached houses and detached houses in a range of sizes from 1 bedroom/ 2 person units (suitable for single persons, couples or 'empty nesters') to 4 bedroom / 8 person units that are suitable accommodation for larger families or extended family households. Clearly, such a range in proposed accommodation / housing types will suit families at various life stages and including those with impaired mobility
- (d) It will maximise the efficient use of zoned and serviced lands and support existing and planned physical and social infrastructure.

Accordingly, it is submitted that the proposed development satisfies the requirements of section 37(2)(b)(iii) of the Act.

5.0 CONCLUSION

It is submitted that the proposed development is of strategic importance, that there are conflicting objectives relating to density in the LAP, that the proposed development is fully aligned with national and regional policy, and therefore satisfies the requirements of section 37(2)(b) of the Act.

Accordingly, it is respectfully submitted that the Board can consider granting permission for the proposed development under the provisions of section 37(2)(b) should it be determined to be a material contravention of the Development Plan, in particularly the development guidance contained in section 12.2.4 of the Celbridge LAP that relates to KDA 4 – Crodaun.