

The Secretary  
An Bord Pleanála  
64 Marlborough Street  
Dublin 1

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**

**Demolition of existing structures on site, construction of 569 no. residential units (325 no. houses and 244 no. apartments), neighbourhood centre including a creche, and associated site works.**

**Lands surrounding and including the dwellings of 'Greatconnell' and 'Valencia Lodge', Great Connell, Newbridge, Co. Kildare.**

**ABP Reference: ABP-311390-21**

Dear Sir/Madam,

This application is made to An Bord Pleanála under the Planning and Development (Housing) and Residential Tenancies Act, 2016. The application is made pursuant to a Notice of Pre-Application Consultation Opinion issued by the Board dated 11 November 2022.

This correspondence identifies the following documentation and information submitted with this application:

1. The documentation submitted in compliance with articles 297 and 298 of the Planning and Development Regulations 2001 to 2019, as amended; and,
2. The information submitted pursuant to the Board's Notice of Pre-Application Consultation Opinion dated 11 November 2022, as required under article 297(3) of the Planning and Development Regulations 2001 to 2019, as amended.

**1 Article 297 and 298 Requirements**

The documentation required under article 297 is identified below:

- **297(1)** – The planning application form is submitted herewith.
- **297(2)(a)** – The Applicant is the legal owner of the majority of the application site. The Great Connell Roundabout, and the roads immediately adjoining, are owned by Ballyfarm Ltd. and are operated Kildare County Council. Letters of consent from these entities are submitted herewith.

- **297(2)(b)** – A copy of the newspaper Notice published in The Irish Daily Star 8 April 2022 attached herewith. The Site Notice was erected on the 11 April 2022 and is also submitted herewith.
- **297(2)(ba)** – A copy of EIAR Confirmation Notice (Portal ID: 2022070) is attached at Appendix B.
- **297(2)(c)** – Drawings No. PA-000-002, PA-000-003 and PA-000-004 prepared by O’Flynn Architects provides the Site Location Map over three sheets at a scale of 1:1,000, incorporating the requirements of parts (i) to (iv) is submitted herewith.
- **297(2)(d)** – Evidence from Irish Water that it is feasible to provide services is included at Appendix F of Engineering Planning Report prepared by Punch Consulting Engineers. The Statement of Design Acceptance from Irish Water is included as Appendix G of Engineering Planning Report prepared by Punch Consulting Engineers.
- **297(2)(e)** – It is proposed to connect to a public sewer. As such, there is no requirement to submit documentation under this provision.
- **297(2)(f)** – A full Schedule of Drawings and Documents required under sub-article (4) is submitted with the application. Please refer to the Document List submitted herewith, and the full schedules of documents prepared by O’Flynn Architects, Punch and TBS.
- **297(2)(g)** – Details of compliance with Section 96 of the Planning and Development Act 2000 have been included at Section 3.7 of the Planning & Statement of Consistency Report submitted with the application. Details of Part V compliance including the location of units, layouts, calculations and methodology for calculating costs are included at Appendix A of the Planning & Statement of Consistency Report.
- **297(2)(h)** – Units to be transferred to the Planning Authority have been identified on O’Flynn Architects Drawing No. PA-200 ‘Site Layout Showing Proposed Part V Units’ submitted herewith.
- **297(2)(i)** – Letters of consent from Ballyfarm Ltd. and Kildare County Council are submitted herewith together with a drawing identifying landownership.
- **297(2)(j)** – The appropriate statutory fee of €80,000 being the fee payable, has been paid by electronic transfer to An Bord Pleanála.
- **297(3)** – Section 2 below provides a statement of proposals to address the matters set out in the Board’s Notice of Pre-Application Consultation Opinion dated 11 November 2022.
- **297(4) and 298(1)** – A full Schedule of Drawings and documents required under sub-article (4) and submitted with the application. Please refer to the Document List submitted herewith, and the full schedules of documents prepared by O’Flynn Architects, Punch and TBS.
- **298(2)** – This application does not propose any works to a Protected Structure or Proposed Protected Structure or to the exterior of a structure within an Architectural Conservation Area.

The application is accompanied by an Environmental Impact Assessment Report (EIAR), and AA screening statement and a Natura Impact Statement (NIS).

## 2 Statement of Proposals to Address Issues Raised in the Board's Notice of Pre-Application Consultation Opinion

The Board's Opinion of 11 November 2021 states 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 identified the following requirements:

- **Matters that need to be addressed** in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development. Further consideration of these issues may require an amendment to the documentation and / or design proposals as previously submitted. These issues are set out and addressed in Section 3, below.
- **Specific information to be submitted** with the application pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 (in addition to the requirements specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017 (as set out under Section 1 above). This information is listed in Section 4 below.
- **Authorities to be notified** of the making of the application pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017. Copies of the letters sent to these authorities notifying them of the application in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 are submitted with this application – refer to Appendix A of this letter for the copy notifications to:
  - Irish Water
  - Transport Infrastructure Ireland.
  - National Transport Authority
  - Minister for Housing, Local Government and Heritage<sup>1</sup>
  - Heritage Council (natural heritage)
  - An Taisce — the National Trust for Ireland (natural heritage)
  - Kildare County Childcare Committee
  - The Department of Education
  - Inland Fisheries Ireland
  - Waterways Ireland

## 3. The Board's Opinion – Specific Information to be Submitted with Application

The Board's Opinion identifies the following matters to be addressed in the documents submitted. This information has been included in the documents submitted herewith. To assist the Board and any interested parties in assessing the application the following sections provide a summary of the information submitted to address the matters raised in the Board's Opinion.

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<sup>1</sup> The ABP Opinion requested that the Minister for Culture, Heritage and the Gaeltacht (natural heritage) is notified of the application. At the time of writing, the Minister tasked with natural heritage is the Minister for Housing, Local Government and Heritage.

### 3.1 Traffic and Transport

Item 1 states:

*'Further consideration and/or justification of the documents as they relate to the traffic and transport provision. The submitted documentation should address the requirements of the Newbridge Local Area Plan 2013-2019 (as extended) for the delivery of the Newbridge Southern Outer Orbital Relief Road (NSOORR) and compliance with Objective SRO5a. Regard should be given to the submission of a Traffic and Transport Assessment, including, inter alia, potential scenarios with and without the bridge, capacity of the surrounding junctions and the impact of the proposed development on the surrounding road network. Plans and particulars should clearly indicate compliance with the required upgrades stated in the Transport Section Report, including any third-party consents required for works, the need for signalised junctions in the vicinity of the site and the DUMRS standards for the internal network'.*

The applicant has committed to the provision of the **Newbridge Southern Orbital Ring Road (NSORR)** in accordance with the LAP, as identified under Objective SRO5a<sup>2</sup>. The completion of the NSORR will be delivered as follows:

- The proposed development includes a c. 350 metre section of the NSORR, which has been designed to connect with the section of road currently under construction as part of an SHD scheme on the western side of the River Liffey (Ref ABP-302141).
- The proposed development includes for the upgrade of the Great Connell Road roundabout on the NSOOR to a signalised junction to create a safe and comfortable environment for pedestrians and cyclists<sup>3</sup>.
- Correspondence from Ballyfarm Ltd. is submitted with this application that confirms that the Ballyfarm Road, which forms the final part of the NSORR to be taken in charge, will be taken in charge by Kildare County Council in Q2 2022.
- An application for the future road and bridge over the River Liffey is currently being prepared by the Applicant in consultation with KCC. Section 247 pre-planning consultations was undertaken with KCC on the 11 March 2022, and it is anticipated that this application will be submitted in Q2 of 2022.

A full **Traffic and Transport Assessment (TTA)** accompanies this application. The TTA assessed three scenarios as follows as requested by the Board, each with and without development, and in both the opening and design years:

- A. No section of the NSORR open – current day scenario<sup>4</sup>
- B. Only Ballyfarm Road section of NSORR open (delivery Q2 2022)
- C. NSORR fully complete

The TTA includes junction capacity assessments for five junctions in the vicinity of the site. The analysis established that the proposed development had a low impact on these junctions. In most instances,

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<sup>2</sup> Objective SRO 5 of the LAP states the following: "To facilitate sub division of larger dwellings on extensive sites in urban areas that are well served by public transport and subject to adherence to the relevant standards set out in Chapter 17 of this Plan".

<sup>3</sup> The necessary Letters of Consent from Kildare County Council and Ballyfarm Ltd. accompany this application.

<sup>4</sup> It is of note that the Ballyfarm Road is to be Taken in Charge by the Council Q2 2022. This section of the NSORR will therefore be delivered prior to the operation of the proposed development. This assessment has been included in the TTA for information purposes only.

works to complete the NSORR, described in scenarios B and C, released capacity at these junctions.

It is noted that the Buckley's Cross roundabout junction currently operates above capacity at peak times. Correspondence from KCC is submitted with this application that confirms that KCC has approved a signalised junction upgrade of the Buckley's Cross junction. The upgrade will be undertaken by KCC on lands under its control utilising its powers. A contribution toward the upgrade has been agreed between the applicant and KCC. Given the certainty around the delivery of this upgrade, the signalised junction has been assessed in the TTA which establishes that the signalisation of the junction brings the junction within design capacity for most scenarios, and within the norms of an urban environment. As is set out in the TTA, the junction upgrade works at Buckley Cross will be completed in advance of the occupancy of Phase 2 of the proposed development. Correspondence from Kildare County Council confirming the above position is attached as Appendix C.

The submitted DMURS Compliance Statement prepared by Punch confirms that the internal roads have been designed in compliance with DMRUS. A Stage 1 Road Safety Audit is also submitted with this application.

Appendix A of the **Traffic and Transportation Assessment prepared by Punch** addresses the traffic and transport matters raised in Kildare County Council's Report 'Ref. SHD202105 – Stage 2 Opinion'. Section 7 of the **Engineering Planning Report prepared by Punch** responds to the remaining engineering matters raised in Kildare County Council's Report.

### 3.2 Flood Risk Assessment

Item 2 states:

*'Further consideration and/or justification of the documents as they relate to the Site-Specific Flood Risk Assessment. The submitted documentation should include the current permitted and under construction SHD development (ABP 302141-18) in the baseline assessment and full details of all infrastructural works required for the proposed development. Plans and particulars should clearly indicate compliance with national guidance, The Planning System and Flood Risk Management- Guidelines for Planning Authorities (2009), and the accompanying technical documentation, inter alia, full details of compensatory storage areas, alterations to all watercourses and drainage ditches, ground level changes, water level changes and a detailed assessment of the impact of flooding on any third-party lands.'*

A **Site-Specific Flood Risk Assessment (SSFRA)** has been prepared by JBA consulting and is submitted herewith. This assessment was undertaken in accordance with The Planning System and Flood Risk Management Guidelines and the Kildare County Development Plan. The assessment has been the subject of independent audit by Arup Consulting Engineers.

As requested by the Board, the baseline hydraulic model incorporates existing and permitted developments including the SHD development (ABP 302141-18). The two development scenarios assess the impact of the proposed SHD scheme both with and without the future road and bridge over the River Liffey (that will be the subject of a separate planning application). The Justification Test was applied and passed as the hydraulic modelling confirms the impact on surrounding water levels is not significant and the development can manage the risk to itself. The report concludes in stating that "...the proposed development will be at low risk of flooding and will not increase the flood risk to the surrounding areas".

As part of the proposed development, it is intended to provide an area of compensatory storage for

flood waters in lieu of the existing flood storage area within the zoned Residential Area. Full details of these flood compensatory storage areas are provided in **Section 6.2 of the Flood Risk Assessment** prepared by JBA, and **Section 5 of the Engineering Planning Report** prepared by Punch. In brief, the proposed compensatory storage areas are located in Flood Zone C areas adjoining the River Liffey, and these areas are lowered to match, insofar as is possible, the level and area of the floodplain lost as part of the proposed development. These areas are designed to ensure that floodwaters return back to the River Liffey when flooding subsides. With the addition of the proposed flood compensation areas, there is an overall surplus of approximately 1278sqm flood storage volume provided compared to the pre-development scenario.

The SSFRA has been prepared in accordance with 'The Planning System and Flood Risk Management' Guidelines (2009) and in consultation with the planning authority. The SSFRA has been the subject of an independent peer review and audit undertaken by Arup Consulting Engineers. The peer review has validated the methodology and findings of the JBA SSFRA. The Arup peer review report is submitted with the application.

### 3.3 Open Space

Item 3 states:

*'Further Consideration and/or justification of the documents as they relate to the proposed development strategy for the site in particular the design of the communal and public open space throughout the site and along the River Liffey. Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009). Plans and particulars should clearly indicate the delivery of high-quality design of the open space which demonstrates useable and functional areas for all sectors of the community and a wide range of age groups. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted'.*

Section C of the **Architectural Design Statement** prepared by O'Flynn Architects provides a detailed response to this item, and a response to the items raised in Kildare County Council's Report 'Ref. SHD202105 – Stage 2 Opinion'. Section D of the statement describes how the proposed development has been designed in accordance with the 12 criteria set out in the Urban Design Manual which accompanies the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (May 2009).

Appendix 1 'Response to KCC Report' of the **Landscape Development Report** prepared by TBS responds to the matters raised in the Kildare County Council's report. The **Landscape Development Report** and suite of landscaping drawings describe the landscaping strategy for the proposed development, including details of proposed planting. Tree Protection details are shown in **Drawing no. GNB002 Parts 1 to 4** prepared Arborist Associates Ltd.

In brief, the proposed development has been designed to incorporate high-quality, active and passive amenity areas. It is proposed to provide 2.595 ha of landscaped open spaces to serve the residential development, which is 16.3% of the net site area. All of the public open spaces are of a sufficient size and width to be of benefit to the community and will be landscaped in accordance with the strategy prepared by TBS to maximise their active and passive recreational value.

Tables 3.3.1 and 3.3.2 below quantify the areas of public open space proposed and illustrate that all of the residential public open spaces are in excess of 10 metres wide and exclude the areas of the proposed swales.

As is shown in Drawing No. 302 'Detail Sheet 2: Proposed Play Areas' prepared by TBS, there are 4 no. children's' play areas proposed. These play areas have a combined area of approx. 3,000 sqm and include 21 no. play elements for children aged 1 year and up. For those aged above 13 years, it is proposed to provide an exercise trail that loops through the residential development and along the River Liffey amenity area. This trail incorporates 19 no. exercise stations and 9 no. seating areas.

In addition to the proposed residential public open space, the proposed development includes 8.31 ha of zoned amenity area adjoining the River Liffey. This expansive area gives the community access to the River Liffey Riparian corridor and will contain footpaths, exercise equipment, seating areas, kick about areas, and supplementary planting. It is envisaged that this area will, in time, form part of the wider River Liffey Linear Park.

**Table 3.3.1 Breakdown of Public Open Space Provision**

	<b>Area of Open Space</b>	<b>Percentage of Net Site Area (15.973 Ha)</b>
<b>Public Open Space Including Swales</b>	3.049 ha	19.1 %
<b>Public Open Space Excluding Swales</b>	2.726 ha	17.1 %
<b>Public Open Space Excluding Swales &amp; Areas Less Than 10 metre Wide</b>	2.613 ha	16.4 %

**Table 3.3.2 Details of Open Space Provision with Residential Zoned Lands.**

<b>Open Space</b>	<b>Gross Open Space Area</b>	<b>Net Open Space (excluding swales and resulting areas less than 10 metres wide)</b>
<b>Open Space 1</b>	446 sqm	446 sqm
<b>Open Space 2</b>	3,121 sqm	2,422 sqm
<b>Open Space 3</b>	2,756 sqm	2,283 sqm
<b>Open Space 4</b>	1,753 sqm	1,466 sqm
<b>Open Space 5</b>	2,235 sqm	1,751 sqm

<b>Open Space</b>	<b>Gross Open Space Area</b>	<b>Net Open Space (excluding swales and resulting areas less than 10 metres wide)</b>
<b>Open Space 6</b>	2,657 sqm	2,133 sqm
<b>Open Space 7</b>	391 sqm	391 sqm
<b>Open Space 8</b>	391 sqm	391 sqm
<b>Open Space 9</b>	1,827 sqm	1,089 sqm
<b>Open Space 10</b>	4,369 sqm	3,875 sqm
<b>Open Space 11</b>	1,191 sqm	524 sqm
<b>Open Space 12</b>	475 sqm	475 sqm
<b>Open Space A</b>	1,199 sqm	1,199 sqm
<b>Open Space B</b>	1,536 sqm	1,536 sqm
<b>Open Space C</b>	810 sqm	810 sqm
<b>Open Space D</b>	1,746 sqm	1,746 sqm
<b>Open Space E</b>	1,611 sqm	1,611 sqm
<b>Open Space F</b>	1,980 sqm	1,980 sqm
<b>Totals</b>	20,494 sqm	26,128 sqm

#### **4. Requested Specific Information**

This section lists the specific information requested by the Board to accompany the application pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017 (in addition to the requirements specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017).

##### **4.1 Material Contravention Statement**

Item 1 states:

*'An updated Statement of Material Contravention to address the need for a contravention of the Kildare County Core Strategy. The documentation should cross reference the appropriate development strategy necessary to comply with national guidance for sustainable residential development and the justification for a population on the subject site. In addition, any references to promotion of development and the circumstances of Newbridge, including those relating to the availability or otherwise in the town, and*

*surrounding area, of housing, development land, employment, commercial or social services, should be based on verifiable facts.'*

The **Material Contravention Statement** prepared by Declan Brassil & Co. has been updated as requested. **Section 4 'Development Strategy for Newbridge'** of the Statement illustrates how the proposed development is consistent with the development strategy for Newbridge as described in the Regional Social and Economic Strategy (RSES), the Development Plan and the LAP. This statement provides a justification for the population of the subject site with reference to the number of residential units permitted in Newbridge, and the core strategy allocations for the town in the current and draft Development Plans.

A **Social Infrastructure Audit** prepared by Future Analytics KPMG (FA KPMG), submitted herewith, that identifies and quantifies the social and community resources available in the town. This Audit concludes:

*'In conclusion, the existing social infrastructure provision identified within the c. 2km study area, in conjunction with the neighbourhood centre, creche and open space areas proposed with the subject application will be capable of serving the existing population and potential demand generated by the proposed development scheme, with no significant gaps in the existing services network identified.'*

#### **4.2 Childcare Facilities**

Item 2 states:

*'Justification for the size of the crèche, compliance with the national guidelines, Childcare Facilities-Guidelines for Planning Authorities (2001), and an analysis of the childcare provision in the vicinity where justification for the reduced size for the childcare facility is proposed.'*

It is proposed to provide a **childcare facility with space for circa 154 children within the neighbourhood centre area**. The proposed development of 569 no. units contains 536 no. 2-, 3- and 4- bedroom units that have potential for future childcare demand. The Guidelines indicate that a childcare facility with 20 no. spaces should generally be provided per 75 no. units, which results in a requirement for 143 no. childcare spaces to serve the scheme. The proposed childcare facility is therefore appropriately sized to meet the childcare demands of the residential development. The **Social Infrastructure Assessment** states:

*'It is therefore considered that the demand created by the proposed development can be absorbed by the existing provision. It is also noted that the development will provide a creche with the capacity of 154 no. children which will further enrich the provision of childcare facilities in the area and facilitate future population growth of the area which was projected in section 3.5.'*

#### **4.3 Boundary Treatments and Integration**

Item 3 states:

*'A plan clearly illustrating the proposed boundary treatment, integration of pedestrian and vehicular access and any consents necessary to undertake works.'*

**Drawing no. 306 'Boundary Plan & Details'** prepared by TBS project landscape architects shows the proposed boundary treatments within the scheme. The proposed development incorporates a range of boundary treatments to clearly differentiate between private, semi-private, and public spaces. It is of note that the existing hedgerow at the southern boundary of the site is to be retained, and will be passively surveilled by the proposed houses.

The proposed development has been designed to maximise pedestrian permeability and connectivity. As is shown in **Drawing no. PA-002 'Proposed Master Site Layout Plan'** prepared by O'Flynn Architects, the proposal incorporates 2 no. potential vehicular connections and 2 no. pedestrian connections to the existing Wellesley Manor residential area to the north, and 2 no. future connections are provided to the undeveloped lands to the south.

It is proposed to upgrade the existing Great Connell Roundabout to the signalised junction, which will provide a safer environment for vulnerable road users, pedestrians and cyclists<sup>5</sup>. **Drawing no. 0431 'Great Connell – Signalised Junction'** prepared by Punch provides details of the proposed Great Connell Junction, and this application is accompanied by letters of consent from Kildare County Council and Ballyfarm Ltd in respect of these works. It is also proposed to provide a footpath within the site along the full frontage with Great Connell Road, as is shown in **Drawing no. PA-002 'Proposed Master Site Layout Plan'** prepared by O'Flynn Architects.

#### **4.4 Surface Water Infrastructure & Landscaping Design**

Item 4 states:

*'Response to issues raised in Appendix B of Planning Authority Report, which includes the internal reports of the Drainage Dept. relating to the SUDS hierarchy, and the Park Department relating, inter alia, design approach and landscaping etc.'*

Detailed responses to the issues raised in Appendix B of the Planning Authority Report have been provided in Section 7 of the **Engineering Planning Report** and the Appendix A of the **Traffic and Transportation Assessment** prepared by Punch, Section C of the **Architectural Design Statement** prepared by O'Flynn Architects and Appendix 1 of the **Landscape Development Report** prepared by TBS, submitted herewith.

#### **4.5 Land Use Zoning**

Item 5 states:

*'A zoning map which includes the land use zoning on the site with an overlay of the proposed development and all associated infrastructure works.'*

**Drawing no. PA-010 'Site Layout Showing Land Use Zoning Objectives'** prepared by O'Flynn Architects shows the lands use zoning objectives of the Newbridge LAP overlaid on the proposed site layout, including all associated infrastructure works.

#### **4.6 Site Layout Plan**

Item 6 states:

*'A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority, and the phased delivery of such public open spaces.'*

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<sup>5</sup> The necessary Letters of Consent from Kildare County Council and Ballyfarm Ltd. accompany this application.

**Drawing no. PA-009 'Site Layout Showing Proposed Taking In Charge Areas'** prepared by O'Flynn Architects shows those areas to be taken in charge by the planning authority. **Drawing No. PA- 008 'Site Layout Showing Proposed Phasing Plan'** shows the phasing plan for the scheme and includes details regarding the provision of open spaces and infrastructure.

#### 4.7 Sunlight/Daylight/Overshadowing

Item 7 states;

*'A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.'*

A **Daylight and Sunlight Assessment Report** has been prepared by 3D Design Bureau and is submitted herewith. The Report assessed both the impact of the proposed development on the surrounding environment and the performance of the most constrained area of the scheme itself in respect of BRE guidelines on daylight and sunlight.

This assessment concluded that the proposed development would have an imperceptible impact on the adjoining Wellesley Manor development in respect of Vertical Sky Component (VSC), Annual Probable Sunlight Hours (APSH), Winter Probable Sunlight Hours (WPSH), and Sun On Ground (SOG) in gardens and amenity areas.

Within the proposed development, all of the 791 no. rooms assessed complied with the BRE Guidelines for Average Daylight Factor (ADF). All of the public open spaces in the study area and the 4 no. rooftop amenity areas complied with the BRE Sun On Ground (SOG) guidelines. The amenity area serving the proposed creche fell below the SOG guidelines however, this area is purposely located on the north site of the building in the interest of safety and privacy. It is noted that this outdoor area receives excellent levels of daylight and good sunlight access during the afternoon in the summertime, and the building meets the guidelines for internal daylighting.

#### 4.8 Material Contravention

Item 8 states;

*'Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.'*

A **Material Contravention Statement** is submitted herewith. Both the newspaper and site notice refer to the Material Contravention Statement.

#### 4.9 Article 299B Statement

Item 9 states;

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

In accordance with Part X of the Planning & Development Acts 2000-2020 (the Act), where a planning application is made in respect of a development or class of development referred to in the Regulations made under Section 176 of the Act, the application shall, in addition to meeting the requirements of the permission regulations, be accompanied by an **Environmental Impact Assessment Report**.

Under Schedule 5 of the Planning & Development Regulations 2001-2016 (the Regulations), developments for the purposes of Part X are specified. In accordance with Class 10 of Part 2 of Schedule 5 of the Regulations, an EIAR is required for infrastructure projects comprising of:

*(b) (i) Construction of more than 500 dwellings units.*

The proposed development provides for 569 no. residential units and accordingly is of a nature and scale that exceeds the statutory thresholds of 500 dwelling units for which an Environmental Impact Assessment Report (EIAR) is required. On this basis an EIAR has been prepared in respect of the proposed development and therefore, a statement in respect of Article 299B is not required.

I trust that the application documentation is in order, and I look forward to a favourable decision from the Board.

Yours sincerely,



Declan Brassil

**Declan Brassil & Co.**

## **APPENDIX A**

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### **LETTERS TO PRESCRIBED BODIES**

Irish Water,  
PO Box 860,  
South City Delivery office,  
Cork City

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**

**Site at Great Connell, Newbridge, Co. Kildare**

Dear Sir/Madam

Please be advised that Aston Limited., intend to apply to An Bord Pleanála for a proposed residential development at Great Connell, Newbridge, County Kildare.

Pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, and Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a copy of the application as submitted to An Bord Pleanála, including the Environmental Impact Assessment Report and Natura Impact Statement, is enclosed for your information.

As agreed in conversation February 2022, only an electronic copy of the application is required / provided herewith<sup>6</sup>. The application may also be inspected online at the following website set up by the Applicant: **[www.greatconnellshdnewbridge.com](http://www.greatconnellshdnewbridge.com)**

In summary, development will consist of the demolition of existing site structures (2,622.3 sqm) and the construction of 569 no. residential units (325 no. houses and 244 no. apartments), a neighbourhood centre with 11 no. units (gross floor area 2,141 sqm), a childcare facility (886 sqm), a circa 350 metre section of distributor road, and all ancillary and associated works on a site of 27.64 ha.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development. The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017-2023 and the Newbridge Local Area Plan 2013-2019 (as extended).

A submission or observation can be made in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within the period of 5 weeks beginning on the date of receipt by An Bord Pleanála of the application, relating to:

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<sup>6</sup> A hard copy can be provided upon request.

- (I) the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and
- (II) the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out. Submissions or observations duly made will be considered by An Bord Pleanála in making a decision on the application.

An Bord Pleanála may grant permission for the strategic housing development as proposed, or may grant permission subject to such modifications as it specifies in its decision, or may grant permission in part only, with or without any other modifications it may specify in its decision, or may refuse to grant permission for the proposed development. An Bord Pleanála may attach to a grant of permission such conditions as it considers appropriate.

Any enquiries relating to the application process should be directed to the Strategic Housing Development Section of An Bord Pleanála (Tel. 01-8588100).

Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

Transport Infrastructure Ireland  
Parkgate Business Centre,  
Parkgate Street,  
Dublin 8,  
D08 DK10

8 April 2022

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Pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, and Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a copy of the application as submitted to An Bord Pleanála, including the Environmental Impact Assessment Report and Natura Impact Statement, is enclosed for your information.

As agreed in conversation February 2022, only an electronic copy of the application is required / provided herewith<sup>7</sup>. The application may also be inspected online at the following website set up by the Applicant: **[www.greatconnellshdnewbridge.com](http://www.greatconnellshdnewbridge.com)**

In summary, development will consist of the demolition of existing site structures (2,622.3 sqm) and the construction of 569 no. residential units (325 no. houses and 244 no. apartments), a neighbourhood centre with 11 no. units (gross floor area 2,141 sqm), a childcare facility (886 sqm), a circa 350 metre section of distributor road, and all ancillary and associated works on a site of 27.64 ha.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been prepared in respect of the proposed development. The application contains a statement setting out how the proposal will be consistent with the objectives of the Kildare County Development Plan 2017-2023 and the Newbridge Local Area Plan 2013-2019 (as extended).

A submission or observation can be made in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within the period of 5 weeks beginning on the date of receipt by An Bord Pleanála of the application, relating to:

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<sup>7</sup> A hard copy can be provided upon request.

- (I) the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and
- (II) the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out. Submissions or observations duly made will be considered by An Bord Pleanála in making a decision on the application.

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Any enquiries relating to the application process should be directed to the Strategic Housing Development Section of An Bord Pleanála (Tel. 01-8588100).

Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

National Transport Authority,  
Dún Scéine,  
Harcourt Lane  
Dublin 2,  
D02 WT20

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**  
**Site at Great Connell, Newbridge, Co. Kildare**

Dear Sir/Madam

Please be advised that Aston Limited., intend to apply to An Bord Pleanála for a proposed residential development at Great Connell, Newbridge, County Kildare.

Pursuant to Article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, and Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a copy of the application as submitted to An Bord Pleanála, including the Environmental Impact Assessment Report and Natura Impact Statement, is enclosed for your information.

As agreed, via email correspondence dated 22 February 2022, only an electronic copy of the application is required / provided herewith<sup>8</sup>. The application may also be inspected online at the following website set up by the Applicant: **[www.greatconnellshdnewbridge.com](http://www.greatconnellshdnewbridge.com)**

In summary, development will consist of the demolition of existing site structures (2,622.3 sqm) and the construction of 569 no. residential units (325 no. houses and 244 no. apartments), a neighbourhood centre with 11 no. units (gross floor area 2,141 sqm), a childcare facility (886 sqm), a circa 350 metre section of distributor road, and all ancillary and associated works on a site of 27.64 ha.

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Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

Minister for Housing Local Government and Heritage  
Department of Housing, Local Government and Heritage,  
Custom House,  
D01 W6X0

**File Upload Only**

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**

**Site at Great Connell, Newbridge, Co. Kildare**

Dear Sir/Madam

Please be advised that Aston Limited., intend to apply to An Bord Pleanála for a proposed residential development at Great Connell, Newbridge, County Kildare.

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Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

---

FAO: Alison Harvey,  
The Heritage Council,  
Áras na hOidhreachta,  
Church Lane,  
Kilkenny,  
R95 X264

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**

**Site at Great Connell, Newbridge, Co. Kildare**

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As agreed, via email correspondence dated 15 February 2022, only an electronic copy of the application is required / provided herewith<sup>10</sup>. The application may also be inspected online at the following website set up by the Applicant: **[www.greatconnellshdnewbridge.com](http://www.greatconnellshdnewbridge.com)**

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Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

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An Taisce,  
Tailors' Hall,  
Back Lane,  
Dublin,  
D08 X2A3

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**

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Declan Brassil

**Declan Brassil & Company**

---

Kildare County Childcare Committee,  
Unit 21,  
Thompson Enterprise Centre,  
Clane Business Park,  
Clane,  
Co. Kildare.  
W91 E6NY

8 April 2022

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Declan Brassil

**Declan Brassil & Company**

---

Department of Education,  
Marlborough Street ,  
Dublin ,  
D01 RC96

8 April 2022

**Re: Strategic Housing Development Application to An Bord Pleanála**

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Dear Sir/Madam

Please be advised that Aston Limited., intend to apply to An Bord Pleanála for a proposed residential development at Great Connell, Newbridge, County Kildare.

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Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

IFI Dublin,  
Inland Fisheries Ireland,  
3044 Lake Drive,  
Citywest Business Campus,  
Dublin,  
D24 CK66,

8 April 2022

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Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

FAO: Garret McGrath,  
Waterways Ireland,  
Eastern Regional Office,  
Floor 2 Block C,  
Ashton gate,  
Navan Road,  
Dublin 15,  
D15 Y3EK

8 April 2022

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and the Newbridge Local Area Plan 2013-2019 (as extended).

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Yours faithfully,



Declan Brassil

**Declan Brassil & Company**

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## **APPENDIX B**

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### **COPY OF EIA PORTAL NOTIFICATION**

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**From:** Housing Eiaportal [<mailto:EIAportal@housing.gov.ie>]  
**Sent:** Friday 8 April 2022 10:27  
**To:** Jim O'Callaghan <[jim@ocallaghanmoran.com](mailto:jim@ocallaghanmoran.com)>  
**Subject:** EIA Portal Confirmation Notice Portal ID 2022070

Dear Jim,

An EIA Portal notification was received on 08/04/2022 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 08/04/2022 under EIA Portal ID number 2022070 and is available to view at <http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

**Portal ID:** 2022070

**Competent Authority:** An Bord Pleanála

**Applicant Name:** Aston Limited

**Location:** Great Connell, Newbridge, Co. Kildare, Eircodes: W12 TW29 and W12 V382.

**Description:** Demolition of 5 buildings, phased construction of 569 residential units (houses & apartments), neighbourhood centre & crèche, provision of 350m of Newbridge South Relief Road, car parking, open amenity space, surface and foul water drainage systems

**Linear Development:** No

**Date Uploaded to Portal:** 08/04/2022

Regards,

Hugh Wogan,

EIA Portal team

—

**An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta**  
Department of Housing, Local Government and Heritage

**Teach an Chustaim, Baile Átha Cliath 1, D01 W6X0**  
Custom House, Dublin 1, D01 W6X0

—  
T +353 (0) 1 888 2000  
[www.gov.ie/housing](http://www.gov.ie/housing)



**An Roinn Tithíochta,  
Rialtais Áitiúil agus Oidhreachta**  
Department of Housing,  
Local Government and Heritage

## **APPENDIX C**

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### **CORRESPONDENCE FROM KILDARE COUNTY COUNCIL**

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DocuSign Envelope ID: 42C10E56-919B-4024-AB85-0677EE4B0B41

Comhairle Contae Chill Dara  
Kildare County Council



Date: 6<sup>th</sup> April 2022

By email

Mr. Michael Durkin

Aston Ltd.

**Re: Proposed Strategic Housing Development at Great Connell, Newbridge, County Kildare (ABP Ref. 311390-21)**

Dear Mr. Durkin,

Kildare County Council has engaged with Aston Ltd. in respect of a proposed Strategic Housing Development at Great Connell, Newbridge, County Kildare, and confirms the following in respect of proposed upgrades to Buckley's Cross junction:

1. Kildare County Council has approved a proposed layout and design for a signalised junction at Buckley's Cross.
2. The proposed works can be carried out and completed within the existing road reservation and on lands within the control of KCC.
3. The works to upgrade the junction to a signalised junction will be undertaken by Kildare County Council under its own powers or by agreement with the developer.
4. The contribution of Aston Ltd. to the cost of funding the works has been agreed.
5. Kildare County Council has agreed to completing the works within 3 years of the grant of planning permission for the proposed SHD, should permission be granted.

I trust that this is in order.

Yours sincerely,

DocuSigned by:

*Evelyn Wright*

Evelyn Wright

Director of Services

Roads, Transportation & Public Safety