

# Material Contravention Statement

To accompany a planning application for

**Residential Development**

At

**Great Connell  
Newbridge  
Co. Kildare**

Submitted on Behalf of

**Aston Limited**

April 2022

---

<b>1</b>	<b>INTRODUCTION</b> .....	<b>1</b>
<b>2</b>	<b>RELEVANT LEGISLATIVE PROVISIONS</b> .....	<b>2</b>
2.1	Planning and Development (Housing) and Residential Tenancies Act 2016 .....	2
2.2	Planning and Development Act, 2000 (as amended) .....	2
<b>3</b>	<b>PLANNING POLICY CONTEXT</b> .....	<b>3</b>
<b>4</b>	<b>DEVELOPMENT STRATEGY FOR NEWBRIDGE</b> .....	<b>3</b>
4.1	Regional Strategy Context.....	3
4.2	County Level Strategic Context .....	5
4.3	Strategic Context - Newbridge and the Application Site.....	7
4.4	Conclusion .....	10
<b>5.</b>	<b>STATEMENT IN SUPPORT OF MATERIAL CONTRAVENTION</b> .....	<b>10</b>
5.1	Housing Allocation .....	10
5.2	Building Typology .....	11
5.3.	Section 37(2)(b) Criteria .....	11
5.3.1	Section 37(2)(b)(i): Strategic or National Importance.....	11
5.3.2	Section 37(2)(b)(iii): There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned.....	13
5.3.2.1	Housing Allocation .....	13
5.2.2	Building Typology .....	14
5.3.3	Section 37(2)(b)(iii): Compliance with RSES, Specific Planning Policy Requirements (SPPRs) contained in relevant Section 28 Planning Guidance.....	16
5.3.4	Section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended: 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 .....	18
<b>6</b>	<b>CONCLUSION</b> .....	<b>19</b>

## 1 INTRODUCTION

This Material Contravention Statement accompanies a Request for Pre-Application Consultation with An Bord Pleanála made in accordance with section 6 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended (the 2016 Act).

In summary, the proposed residential development comprises a total 569 no. dwellings comprising 33 no. one-bed apartments (includes 16 no. own door apartments); 135 no. two-bed apartments (includes 82 no. own door apartments); 76 no. 3-bed apartments (includes 66 no. own door duplex apartments), 64 no. 2-bed houses, 173 no. 3-bed houses, and 88 no. 4-bed houses.

The proposed development also includes a neighbourhood centre with 11 no. commercial units (2,141 sqm commercial floor space) and a childcare facility (886 sqm). 2.613 ha of landscaped public open space is proposed, in addition to a circa 8.31 ha amenity area adjoining the River Liffey and the 487.8 sqm of communal open spaces to serve the 3 no. apartment buildings.

This Statement has been prepared to address matters associated with the proposed development that might be determined to materially contravene relevant provisions of the Kildare County Development Plan 2017-2023 (the KCDP), and the Newbridge Local Area Plan 2013-2019 (the LAP).

Section 4 of this statement sets out how the proposed development supports the planned development strategy for Newbridge, as requested in the Board's Opinion dated 4 November 2021.

This Statement is prepared pursuant to Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereafter referred to as 'the 2016 Act'), that requires an application which materially contravenes a development plan or local area plan to contain a statement as to why permission should be granted by having regard 'to a consideration specified in section 37(2)(b) of the Act of 2000'.

It is noted that an element of a proposed development may contravene a policy or objective of a statutory land use plan but may not be determined to represent a 'material contravention' of the plan. This is a matter of professional planning judgement. This Statement has included a number of matters that are considered to contravene provisions of the relevant plans and could be determined to materially contravene the relevant provisions of the plans. As such, an abundance of caution approach has been taken to the identification of the provisions referenced and addressed in this Statement. These include:

### 1. Housing Allocation:

Variation no. 1 of the KCDP sets a dwelling target of 699 no. units in Newbridge between 2020 and 2023. The proposed development of 569 no. units, in conjunction with the 216 no. 'new'<sup>1</sup> residential units permitted since the adoption of Variation No. 1, together exceed the target for Newbridge up to 2023.

### 2. Building Typology:

Policy HL 6 of the LAP provides that apartments should only be provided in the town centre or on a public transport route, and that duplexes should generally not be provided.

The proposed building types provide a mix of residential types, including apartments and duplexes including 244 no. apartment and duplex units. Notwithstanding the proximity and accessibility of the site to the town centre and the train station, and the proposal for a bus stop within the site, the provision

---

<sup>1</sup> This figure refers to residential units permitted minus extant units in those areas at the time of Variation No .1.

of apartments and duplexes could be considered to be a material contravention of the Policy HL 6 of the LAP.

This Statement provides a supporting rationale for the Board to grant permission, pursuant to its statutory powers, notwithstanding the possible material contravention of these policies and objectives of the KCDP and the LAP.

## **2 RELEVANT LEGISLATIVE PROVISIONS**

### **2.1 Planning and Development (Housing) and Residential Tenancies Act 2016**

In the event that a proposed development would materially contravene the relevant provisions of a development plan or local area plan (other than in relation to the zoning of the land), Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended (the 2016 Act) requires that the applicant should include a statement as to why permission should nonetheless be granted having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended (the 2000 Act).

Section 9(3)(b) provides that where specific planning policy requirements are contained in guidelines issued by the Minister (i.e., Section 28 Guidelines) then those requirements will apply (to the extent that they are different to any provision of the Development Plan) instead of the relevant provisions of the Development Plan.

Section 9(6) of the 2016 Act is also relevant. The effect of s. 9(6)(a) and (b) is that, save for cases where the proposed development contravenes materially the development plan or local area plan insofar as the zoning of the land is concerned, the Board may decide to grant permission for a proposed strategic housing development even where the proposed development (or a part of it) materially contravenes the development plan or local area plan in issue. However, this is subject to s. 9(6)(c), which provides:

*'Where the proposed strategic housing development would materially contravene the development plan or local area plan, ... other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'*

Under s. 10(3)(a), a decision of the Board under s. 9 must state: *'the main reasons and considerations on which the decision is based'*. Furthermore, under s. 10(3) (b), the Board must state, where permission is granted in material contravention of a development plan or local area plan, *'the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be'*.

### **2.2 Planning and Development Act, 2000 (as amended)**

Section 37(2)(b) provides that the Board may only grant permission for a material contravention of a development plan where it considers that:

*'(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.'*

These criteria are addressed in section 5, below.

### **3 PLANNING POLICY CONTEXT**

The site is located within the administrative area of the Kildare County Development Plan 2017-2023 (the 'current Plan'). The Development Plan identifies Newbridge as a Self-Sustaining Growth Town, a designation that is maintained under the Draft Kildare County Development Plan 2023-2029.

The site is also within the boundary of the Newbridge Local Area Plan 2013-2019, which has been extended up to and including 22 December 2021 (the LAP).

The majority of the site is zoned Objective C 'New Residential' '*To provide for new residential development*' in the LAP. An area of the site adjoining the River Liffey is zoned F 'Open Space & Amenity' '*To protect and provide for open space, amenity and recreational provision*'. Dwellings and Creche/Playschool uses are Permitted in Principle on 'C-New Residential' lands, and Shop (convenience) and Restaurant are Open for Consideration. Specific objective C13 in Table 17 'Land Use Objectives' states that a small, high-quality neighbourhood centre will be facilitated at the subject site, to serve the local population.

A detailed assessment of the planning policy context as provided for in the County Development Plan and the LAP is provided in the Planning Report and Statement of Consistency, that should be read in conjunction with this Statement.

### **4 DEVELOPMENT STRATEGY FOR NEWBRIDGE**

The Board's Opinion dated 4 November 2021, requests a statement as to how the proposed development supports the planned development strategy for Newbridge. This is particularly relevant in the context of the potential material contravention of the housing allocation for the town included in Variation No. 1 of the Kildare County Development Plan. This section sets out the development strategy for Newbridge as articulated at a regional level in the RSES, and at a county level in the Kildare County Development Plan and the Newbridge LAP, to frame the consideration of the material contravention issue.

Given the proposed 7-year duration of the construction phase, as reflected in the request for a 7 year permission, the proposed development, if permitted, will be developed and occupied over the life of the Kildare County Development Plan 2023-2029, when adopted. The Draft Plan went on display in March 2022. The Draft Plan will be the subject of public consultation and its adoption is a reserved function and as such cannot be relied upon. Notwithstanding, the draft Plan has been the subject of Members' Directions and has been approved for public display by the Members. Noting that it cannot be relied upon, the Core Strategy and Settlement Strategy of the Draft Plan do provide an early indication of the Council's plan-led development strategy for the County and Newbridge over the life of the plan, and the construction period of the proposed development, and is referenced in that context.

#### **4.1 Regional Strategy Context**

Section 3.1 of the RSES sets out a growth strategy for the region, stating:

*'Central to this is the development of an evidence-led 'asset base', which can be **used to identify settlements which have the greatest capacity and potential for growth, while ensuring that the future growth is sustainably managed within the capacity of those settlements.** The 'asset base' developed for the RSES was informed by the preparation of regional profiles and spatial analysis as part of the evidence baseline and supplemented by settlement profile information that was provided by the 12 local authorities in the Region, which set out current and planned capacity to deliver sustainable compact growth in a number of identified settlements.'* [Emphasis added]

That section of the RSES goes on to state:

*'The growth strategy for the Region is **underpinned by a settlement strategy** (set out in Chapter 4 People and Place) **and an integrated land use and transportation strategy** (Chapter 8 Connectivity) which seeks to protect and enhance global connectivity and regional accessibility, including the Trans European TEN-T road, rail and port network. **Investment in sustainable mobility will be delivered through local transport plans (LTPs)**, to be prepared by local authorities in collaboration with transport agencies, **to include**, but not limited to, Athlone, Dundalk, Drogheda, Portlaoise, Mullingar, Tullamore, Longford, Balbriggan, Navan, **Naas, Newbridge**, Wicklow-Rathnew, Ashbourne, Arklow and urban areas in the Dublin Metropolitan Area'. [Emphasis added]*

The strategy for the 'Core Region', which includes Newbridge, states that the region '*contains **a strong network of county and market towns that have a good level of local employment, services and amenities**, which serve not just their resident populations but a wider catchment area. **These include** Arklow, Balbriggan, Drogheda, Navan, **Naas, Newbridge** and Wicklow. **These towns have capacity for continued commensurate growth to become more self-sustaining and to attract high quality knowledge-based employment at strategic accessible locations.***' [Emphasis added]

The regional capacity and potential for Newbridge to accommodate significant additional population and employment growth leveraging on the well-developed employment, and services and amenity asset bases, is acknowledged in the context of its designation as a sustainable growth town complementing the growth of Naas as a Key Town:

*'Naas is a Key Town located in the Core Region, well served by the M7 motorway with good road connections to the rest of the Country and a commuter rail service to Dublin. Naas has a population of 21,597 people in 2016 with a highly skilled workforce and plays a key role as a County Town in providing employment and services for a wide catchment. **There are strong links between Naas and the nearby settlements of Sallins and Newbridge, with a strong interrelationship of services, employment and education between Naas and Newbridge.** There is potential to capitalise on the significant infrastructure investment which has taken place in Naas, to further strengthen the local employment base, promote regeneration and consolidation of the town centre and surrounding residential and employment areas, with improved permeability and sustainable transport links and to build on assets including the historic centre, Naas Racecourse and Grand Canal.'* [Emphasis added]

Table 6.1 sets out a Retail Hierarchy for the Region identifies Newbridge as a **Level 2 Town**, commensurate with the status of Dun Laoghaire, Swords, Blanchardstown, Athlone and Bray. Objective RPO 6.11 states:

*'**Future provisions of significant retail development** within the Region **shall be consistent with** the Retail Planning Guidelines for Planning Authorities 2012, or any subsequent update, and **the retail hierarchy for the Region**, expressed in the RSES, until such time as this hierarchy is updated.'* [Emphasis added]

In summary, the RSES identifies Newbridge as an important sustainable growth settlement in the region, with capacity to accommodate significant additional population and employment growth on the basis of the established asset base of high quality employment, services and amenities; its high level of public transportation connectivity and designation as a town for which a local transportation plan will be prepared; its designation as a sustainable growth town complementing the growth of Naas as a Key Town, and commensurate designation a Level 2 Retail Centre reflecting the significant level of existing retail provision and capacity for additional growth. A high-level overview of the established level of employment, services and amenities that support the ongoing growth of Newbridge is provided in Section 4.3, below.

#### 4.2 County Level Strategic Context

Section 1.3 of the Kildare County Development Plan 2017 to 2023 ('the current Plan') identifies the 'Key Challenges' of the Plan. It notes that Kildare experienced a significantly higher proportion of population growth than the national average over the 2006-2011 census period, noting:

*'Much of this population growth has occurred in the main commuter areas of the county where there have been high levels of new residential developments (Naas, Clane, Sallins, Kilcock, Maynooth and Celbridge). However, **some of the larger towns such as Newbridge experienced lower levels of population growth due to infrastructural constraints.**'*<sup>2</sup> [Emphasis added]

Section 2.2 of the current Plan sets out the overall strategy for the growth of the town over the period of the Plan, and states:

*'This Development Plan seeks to encourage the focus of new development on:*

- (i) **Consolidation within the existing urban footprint** with particular focus on the Metropolitan and Hinterland towns;*
- (ii) Supporting the achievement of more sustainable towns and villages through **residential and employment opportunities together with supporting social and community facilities;***
- (iii) Supporting national investment in public transport services by **focusing new development areas in key locations to achieve the integration of land uses and high-quality public transport provision;**'* [Emphasis added]

Newbridge is designated as a 'Self-Sustaining Growth Town' in the Greater Dublin Area Hinterland Area (Table 3.1 Variation No. 1). The plan characterises these settlements as having '*...moderate level of jobs and services, which adequately cater for the people of its service catchment with good transport links and capacity for continued commensurate growth*' (Section 2.11.3). Newbridge retains this designation in the Draft County Development Plan 2023-2027 ('the draft plan') (section 2.12).

Variation No. 1 of the current Plan identifies 'economic clusters' that are intended '*to develop in a mutually dependent way, so that the amenities and economies of the whole cluster are greater than the sum of the individual parts*'. Newbridge is clustered with Naas and Kilcullen. Core Strategy objective 5 states: '*Support the development of the identified Key Towns of Naas and Maynooth and the Self-sustaining Growth Towns of Leixlip and **Newbridge as focal points for regional critical massing and employment growth.***' [Emphasis added]. Table 5.2 of the Plan states that Newbridge has well developed employment and significant high-

<sup>2</sup> The principal infrastructural constraint related to the upgrade of Osberstown treatment plant that was resolved over the life of the plan. The completion of the NSORR also represented a constraint to employment and housing development. The road has now been significantly progressed. The phased release of these constraints over the life of the plan has facilitated significant employment provision on the eastern side of the town in particular, and some residential development, as detailed below.

quality opportunities in the following sectors: *'Biotechnology, ICT, professional services, High-tech manufacturing and research.'*

The strategic importance of the Naas and Newbridge axis is reinforced in the Core Strategy of the Draft Plan, and it is now proposed to be designated as the 'Naas to Newbridge Strategic Economic and Employment Zone' (section 2.1):

*'The Newbridge to Naas corridor is seen as a Strategic Economic Zone in the centre of the County, comprising the Tougher Industrial Estate and the industrial zone on the northern end of Newbridge. This zone comprises some global names such as Pfizer Pharmaceuticals, the Lidl Regional Distribution Centre, DSV, the Barola/Primark 11 A review in line with trends as per next CSO figures may be required Distribution Centre (with national and international distribution planned) and Dr. Pepper. The overall area is strategically located at the confluence of the M7 and M9. A number of these are hyper scaled distribution centres and will include the largest of their kind in the country following the granting of Barola/Primark with a 68,000 square metre facility.....*

*The long-term vision for this area between Naas and Newbridge is for two dynamic and vibrant town centres linked by a strong economic corridor focused on the **eastern side of the R445. Each town will offer a wide range of retail, commercial, leisure, social and cultural enterprises and civic amenities (civic squares/public realm interventions) and a vibrant evening economy sustaining a strong residential base that will be served by a future DART service (electrification of the rail line from Sallins to Newbridge).** .....*

*'The focus for this plan period will be to concentrate on the Newbridge end of the corridor linking back up to Tougher and this strategy will be developed further as part of the preparation of the Newbridge Local Area Plan. The vision will be to provide a higher end profile - i.e., offices and/or strong architectural and landscape treatment - with more consistent building lines along the east side of the R445 (Newbridge to Naas Road), with more 'big box' developments (i.e., logistics, warehousing and possibly data centres) to the rear (further east).' [Emphasis added]*

Consistent with the RSES retail hierarchy, the Plan designates Newbridge as a Level 2 Major Town Centre in the retail hierarchy. The significance and quality of the retail offer in the town is reflected in section 9.4.2 of the Plan:

*'At present, Newbridge has 22.3% of the county's retail floorspace and significantly 27.9% of its mainstream comparison floorspace, which accounts for 60.3% of the town's total floorspace. **These figures confirm the role and importance of Newbridge being the most important mainstream comparison shopping destination in the county.** Despite the recession, the combination of the retail offer and the integral cinema complex in the Whitewater Shopping Centre **has sustained an important boost to the town centre and a further benefit to trade in local restaurants, cafes and bars and the night time economy.***

*'Over the period of this Plan and beyond, **the priority is for Newbridge to sustain and enhance its role and importance in the national and regional retail hierarchies.** Unlike the majority of higher order centres in the GDA and wider country, Newbridge has the scope and potential to achieve this within the town centre through the regeneration of land and buildings. The objective must be to maximise the potential of regeneration to consolidate, integrate and visually improve the town centre.*

*'It is the policy of the Council to: 'R 8 Support and implement appropriate development of lands for the future expansion of Newbridge Town Centre, and specifically the Whitewater Shopping Centre, facilitated by the expansion of the Core Retail Area.'* [Emphasis added]

With regard to population growth, Variation No. 1 of the current Plan includes the following settlement strategy objectives:

**SS 1:** *'Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1.'*

**SS 2:** *'Direct growth into the Key Towns, followed by the Self-Sustaining Growth Towns and the Self-Sustaining Towns, whilst also recognising the settlement requirements of rural communities.'*

Variation No. 1 of the current Plan allocated Newbridge 699 residential units over the period 2020-2023. The draft Plan allocates an additional 1061 units to the town for the period 2023-2028 (Q4). The allocations in both Variation No. 1 and the draft Plan are second only to Naas, and exceed the allocations to Leixlip, Maynooth, Celbridge and Kildare, reflecting the asset base and capacity of the town to accommodate strategic level population growth.

The quality of this asset base, and the strategic location of the lands in respect of accessibility and connectivity to these assets is set out in summary in Section 4.3, below.

### **4.3 Strategic Context - Newbridge and the Application Site**

The RSES and current and draft County Development Plans establish Newbridge as an important sustainable growth settlement in the region, with capacity to accommodate significant additional population and employment growth on the basis of the established asset base of high-quality employment, services and amenities.

#### **Employment**

The eastern side of Newbridge is designated in the Draft Plan as part of the Naas to Newbridge Strategic Employment and Economic Zone. The stated vision of the draft Plan's is to continue to develop two dynamic and vibrant town centres linked by a strong economic corridor focused on the eastern side of the R445, offering a wide range of retail, commercial, leisure, social and cultural enterprises and civic amenities sustaining a strong residential base that will be served by a future DART service. The draft Plan states that *'[t]he focus for this plan period will be to concentrate on the Newbridge end of the corridor'*.

The site is situated on the eastern side of the town, linking to the R445 via the Great Connell Road the Newbridge Southern Orbital Ring Road (NSORR). Existing employment generating developments accessible to the site by walking and cycling include Murphy Ireland Limited (to the immediate east of the site), Pfizer Newbridge, Lidl RDC Newbridge, Barola/Penney's Distribution Centre, and KDP Ireland (located to the northeast). The Toughers Industrial Estate, the Naas Enterprise Park and the Ladytown Business Park are located to the east of the site and are also within cycling and walking distance.

The zoned industrial lands to the east of the site have been the subject of recent applications to intensify existing commercial uses and for new employment generating development, summarised below. Most notable is the recently permitted distribution centre of approx. 63,000 sqm (Reg. Ref. 211248) within 200 metres of the subject site that is expected to directly employ 270 people.

- **KCC Reg. Ref. 20259:** On 17 September 2020, planning permission was granted to Alder Clover Limited for the change of use of the former Lidl distribution centre to a beverage manufacturing facility of 34,191 sqm. In total, this commercial development will have c. 405 employees.
- **KCC Reg. Ref. 17563:** On 8 January 2018, planning permission was granted to Lidl Ireland GmbH for a new regional distribution centre warehouse of c. 57,611 sqm. The EIAR submitted with this application states that once operational, the distribution centre will directly employ 400 no. people.
- **KCC Reg. Ref. 211780:** On 17 December 2021, Murphy Ireland International Ltd. lodged an application for 2 no. manufacturing sheds within their existing premises. The planning documents submitted state that these additional manufacturing areas have the potential to employ an additional 22 no. people.

In addition, Pfizer Ireland Pharmaceuticals continue to invest in its existing facility that is circa 600 metres to the north of the subject site.

The town centre and Whitewater Shopping Centre also support significant employment and planning policy supports further growth.

### **Social Infrastructure and Recreational Amenities**

KPMG Future Analytics prepared a Social Infrastructure Audit (SIA) to accompany this application. The SIA identifies the existing range of social infrastructure in Newbridge and in the vicinity of the site and includes an assessment of the needs of the existing population and the future population at the subject site. The SIA identified over 120 facilities including an existing network of schools and childcare facilities, health, community, cultural, religious, recreational and commercial facilities within the identified c. 2 km of the site. It also notes the additional capacity provided by the neighbourhood centre incorporating 11 no. commercial units including 3 no. health facilities, a creche with the capacity of 154 no. children and 18 no. open space areas, all of which will positively contribute to the amenity of the existing and future resident population. The SIA concludes:

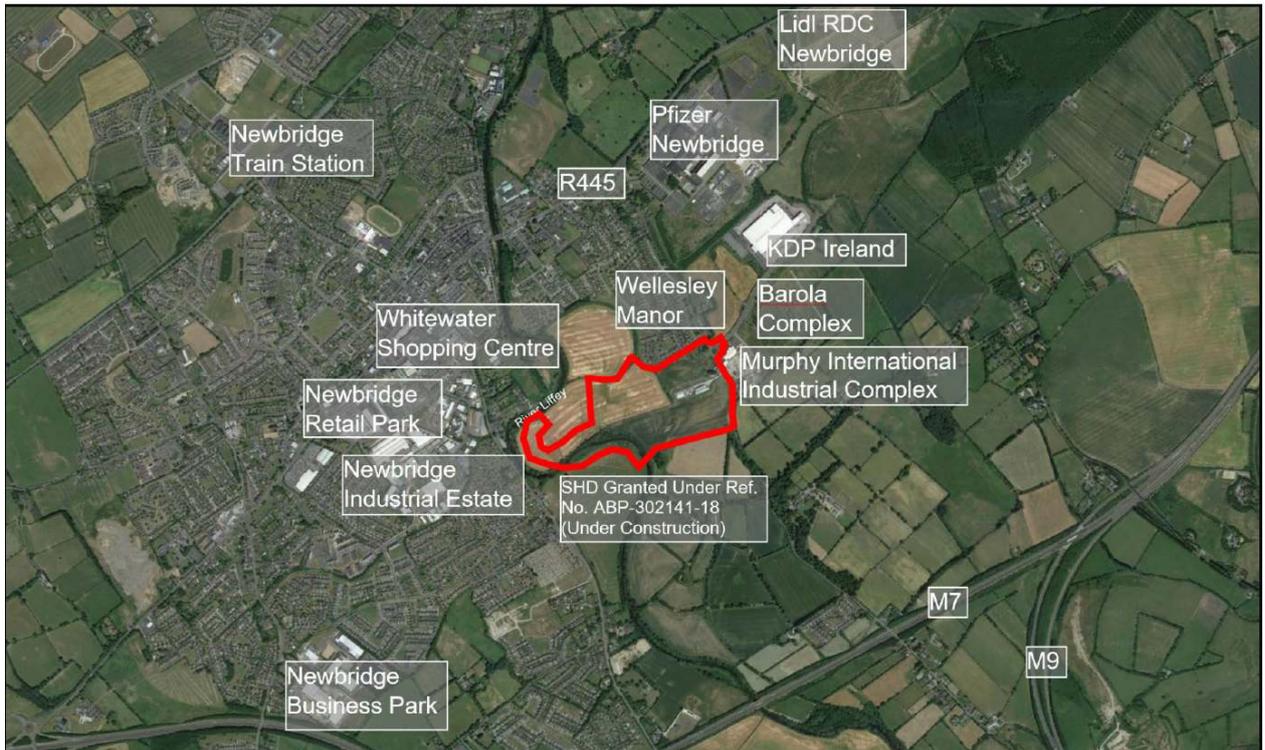
*'In conclusion, the existing social infrastructure provision identified within the c. 2km study area, in conjunction with the neighbourhood centre, creche and open space areas proposed with the subject application will be capable of serving the existing population and potential demand generated by the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

It is also noted that the proposed development delivers significant elements of green infrastructure and connectivity along the Liffey corridor, consistent with the objectives of the Newbridge LAP.

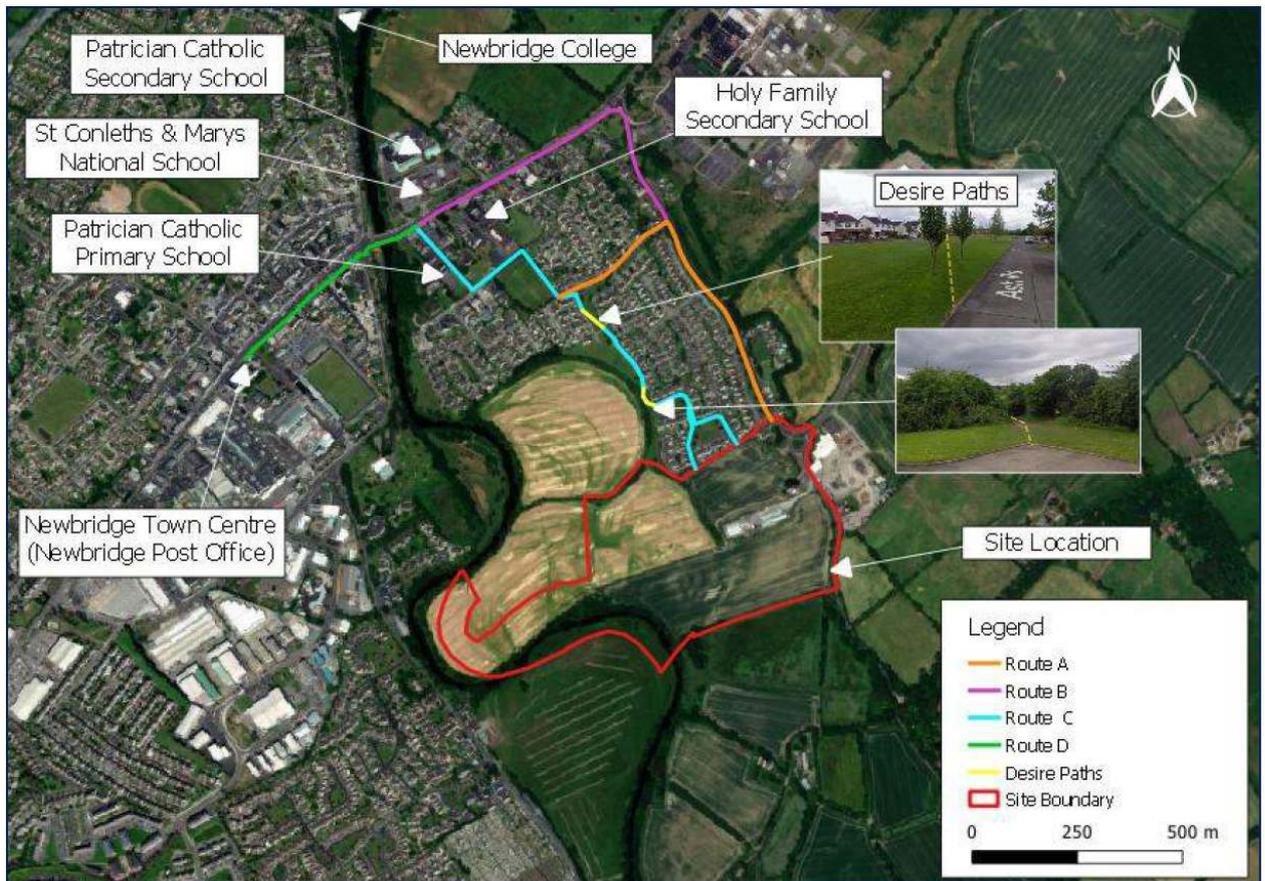
The proposed development also delivers a critical element of the NSORR distributor road, and the applicant has progressed pre-application consultation with KCC to deliver the final element, including the Liffey crossing. The development of the lands will enable the completion of this major element of strategic infrastructure for the town.

Figures 4.1 and 4.2 below identify the employment generating developments identified above, and pedestrian routes to key community infrastructure.

**Figure 4.1 Excerpt from the Social Infrastructure Assessment prepared by Future Analytics.**



**Figure 4.2 Existing/Proposed Linkages to the Subject Site. Prepared by Punch.**



#### 4.4 Conclusion

The RSES and current and draft County Development Plans establish Newbridge as an important sustainable growth settlement in the region, with capacity to accommodate significant additional population and employment growth on the basis of the established asset base of high quality employment, services and amenities; its high level of public transportation connectivity and designation as a town for which a local transportation plan will be prepared; its designation as a sustainable growth town complementing the growth of Naas as a Key Town, and commensurate designation a Level 2 Retail Centre reflecting the significant level of existing retail provision and capacity for additional growth.

The current and draft Plans allocate a significant proportion of the county's population growth to the town, reflecting its regional and county level designations and its capacity to accommodate additional employment generating uses and population.

### 5. STATEMENT IN SUPPORT OF MATERIAL CONTRAVENTION

The proposed development may constitute a material contravention of core strategy and settlement strategy objectives of the County Development Plan relating to housing allocations, and a policy in the LAP relating to building typology and specifically the provision of apartment development (including duplex) 'generally' outside of town centres and adjoining public transportation corridors. These objectives are identified in Section 5.1 and 5.2, respectively.

#### 5.1 Housing Allocation

Variation No. 1 of the **Kildare County Development Plan** came into effect 9 June 2020. The Variation amended the Development Plan to align with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).

Table 3.3 'Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023' of the Variation defines Newbridge as a Self-Sustaining Growth Town, with an allocated growth of 11.6% between 2020-2023. This equates to 699 no. dwellings during this period.

Variation No. 1 of the current Plan includes the following Core Strategy Policies:

*'CS 1 Provide new housing in accordance with the County Settlement Hierarchy.*

*'CS 2 Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.*

The Newbridge LAP 2013-2019 makes provision for 3,010 units over the life of the LAP, and has zoned residential land to accommodate that housing allocation. It is noted that the LAP was not varied to align the housing allocation and quantum of zoned land with the 2020-2023 allocation provided for under Variation No. 1. As detailed below, the proposed development is consistent with the zoning objective in the LAP, however when taken in conjunction with other permitted development since the coming into effect of Variation No. 1, the cumulative permitted and now proposed developments exceed (by c. 86 units) the number of units allocated to Newbridge in Variation No. 1 of the County Plan and as such may constitute a material contravention of Policies CS 1 and CS 2 of the Plan.

## 5.2 Building Typology

Section 7.2 'Housing' of the LAP sets out the form that new residential developments should take in Newbridge, including housing allocation and development strategies. It states that existing residential development in Newbridge comprises predominately two-storey, terraced, semi-detached and detached housing, with some apartment schemes provided in the town centre.

The subject site comprises Land Use Zoning areas C12 and C13 of the LAP, which at a residential density of 35 units per ha have an estimated capacity for 605 no. units. The LAP also states that appropriate residential densities for future development of suburban sites will be 30-50 units per hectare, as per the DoEHLG Guidelines for Planning Authorities on 'Sustainable Residential Development in Urban Areas (2009).

With regard to the form of future housing, **Policy HL 6** of the LAP states:

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

## 5.3. Section 37(2)(b) Criteria

The basis on which the Board can consider granting permission having regard to the criteria set out under s. 37(2)(b) of the 2000 Act are set out below. It is noted that the Board must be satisfied that the proposed development satisfies criterion (i), being of strategic or national importance, and thereafter satisfies any of criteria (ii), (iii) and (iv). The basis on which the proposed development satisfies (i), and some or all of (ii) to (iv) in respect of both housing allocation and building typology, is set out under Section 5.3.1, and 5.3.2 to 5.3.4, respectively, below.

### 5.3.1 Section 37(2)(b)(i): Strategic or National Importance

The term 'strategic or national importance' is not expressly defined in the 2000 nor 2016 Acts. The proposed development exceeds 100 units on zoned residential lands, and therefore the proposal accords with the definition for 'Strategic Housing Development' under the Acts. The long title of the 2016 Act states that the Act is 'to facilitate the implementation of the document entitled "Rebuilding Ireland - Action Plan for Housing and Homelessness" that was published by the Government on 19 July 2016....'.

**Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness (Rebuilding Ireland)** seeks to set a clear roadmap to significantly increase and expedite the delivery of new housing to address existing shortages and tackle homelessness. Rebuilding Ireland, and the implementing 2016 Act, recognise the strategic importance of larger residential developments (including developments of over 100 residential units) in addressing the ongoing housing and homelessness crisis.

The 'Housing Challenges' section of Rebuilding Ireland lists the pressing challenges to overcome in Ireland's housing sector, including; Decline in House Completions, Persistent Under-Supply, Location and Land Supply. 'Pillar 3: Build More Homes' states the key objective of this pillar is to 'increase the output of private housing to meet demand at affordable prices'. The Key Action under Pillar 3 is the doubling of housing output to deliver over 25,000 units per annum up to 2021.

National level guidance from the National Planning Framework and Rebuilding Ireland refer to the need for residential development to support a growing population. Section 6.6 'Housing' of the NPF states that

between 2018 and 2040 an average of 25,000 new dwellings will need to be provided per year if the target of 550,000 new units by 2040 is to be achieved, as per National Policy Objective 32. National Policy Objective 3a seeks to ensure that 40% of these new homes are provided within the built-up footprint of existing settlements to prevent urban sprawl and unsustainable development patterns.

The Economic and Social Research Institute (ESRI) published a research paper titled **Structural Housing Demand at County Level** (December 2020). As outlined in the DHLGH Ministerial Letter to Local Authorities dated 18 December 2020, based in the ESRI findings and other factors affecting existing demand, there is a total projected new household demand for almost **31,000 new households per annum every year from 2020 to 2040**, a 24% increase.

The Minister's Letter states that ***'there is a more pressing need to increase national housing supply to meet existing, unmet housing demand, to the greatest extent possible in the shortest time possible, while also accommodating projected national housing demand. Factoring in existing demand together with future projected demand, will require annual average national demand for just over 33,000 new households per annum, to be met during the period 2020 to 2031'*** [emphasis added].

The undersupply acknowledged in the Ministerial Letter dated 2020 since the NPF was published in 2018, has been further exacerbated by the Covid-19 pandemic.

The growth and settlement strategy of the Regional Spatial and Economic Strategy (RSES) emphasise the need for compact and sustainable development in accordance with the NPF to accommodate projected population growth in the Region. It is projected that the population of the region will grow by between 237,500 and 290,000 persons between 2016 and 2026 and that the population of the region will reach 2,668,000 to 274,5000 by 2031.

Information from the Census 2016 indicates that the delivery of new housing has not kept pace with population growth. Between the 2011 Census and the 2016 Census the Irish population increased by 173,613 persons, from 4,588,252 to 4,761,865, representing a population growth of 3.8%. During this time, the total housing stock increased by just 8,800 no. units, from 1,994,845 to 2,003,645 no. units, representing a 0.4% increase in housing stock during this time.

Available information on New Dwelling Completions from the CSO indicates that the current rate of dwelling completions nationally is falling substantially below the 25,000 unit per year target set in Rebuilding Ireland and the NPF, which itself does not address the latent housing demand arising from the under-provision of housing in previous years. In 2018, just 17,908 no. new dwellings were completed nationally, which is 7,092 no. units below the NPF target. In 2019 this figure rose to 21,075 no. new dwellings which is 3,925 below the NPF target. This means over a two-year period there was a deficit of 11,017 no. new dwellings. The shortfall was further increased in 2020, with 20,535 no. new dwellings completed, falling well below the anticipated 25,000-unit target set in the NPF, and the 33,000 envisaged in the Ministerial Letter. A review of the daft.ie website in February 2022 identified on 39 no. homes for sale and 4 no. homes for rent in Newbridge, emphasising a significant undersupply in the town.

It is evident that despite national policy to accelerate housing delivery, new housing has not been provided in tandem with recorded population growth and that substantial residential development needs to occur to meet national population targets. It is therefore considered to be of strategic national importance that suitable and sustainable residential development is facilitated where it accords with national policy priorities to as articulated by the Minister's letter *'to increase national housing supply to meet existing, unmet housing demand, to the greatest extent possible in the shortest time possible'*, section 28 Guidelines, and plan-led

development at a local level where sites are zoned in accordance with the NPF objectives and Guidelines, and contribute to meeting housing targets and delivering strategic objectives for the town.

In this regard, the proposed development of 569 no. units, if permitted, will make a significant contribution to meeting national, regional and county level housing targets. It will meet the housing target for Newbridge set out under Variation No. 1 for 2023. **Without this development there will be a significant shortfall in meeting that target housing growth.** As such, the proposed development is consistent with HSO 1 of the County Development Plan to *'Secure the implementation of the Housing Strategy 2017-2023.'*

Furthermore, the proposed development will also make a meaningful contribution toward the 1,061-housing unit allocation in the draft County Plan as the development will be substantially completed under that plan.

The Planning Report and Statement of Consistency submitted herewith provides additional detail in respect of how the proposed development is consistent with the provisions of the Ministerial Guidelines, the NPF and the RSES, and represents an appropriate and high-quality and sustainable urban development. It is submitted that the proposed development is of a scale that will make a meaningful contribution towards meeting housing stock and population targets as set out at the regional level and national level.

Accordingly, it is submitted that the proposed development is of 'Strategic Importance' for the purposes of Section 37(2)(b)(i) of the 2000 Act.

### **5.3.2 Section 37(2)(b)(iii): There are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned**

#### **5.3.2.1 Housing Allocation**

It is submitted that there are conflicting objectives in the KCDP and the LAP with regard to housing allocation and planned growth.

Table 3.3 'Settlement Hierarchy – Population and Housing Unit Allocation 2020-2023' of Variation No. 1 of the County Development Plan provides for 699 no. new residential units in Newbridge between June 2020 and 2023. Policies CS 2 and SS1, and objective HSO 1 of the KCDP requires that new residential development is provided in accordance with this housing strategy and allocation, as follows:

**CS 2:** *'Direct appropriate levels of growth into the designated growth towns as designated in the Settlement Strategy.'*

**SS 1:** *'Manage the county's settlement pattern in accordance with the population and housing unit allocations set out in the RSES, the Settlement Strategy and hierarchy of settlements set out in Table 3.1.'*

Variation No. 1 came into effect 9 June 2020.

The Newbridge LAP 2013-2019 implements the Core Strategy of the County Development Plan, through *inter alia* the zoning of land meet the housing targets set out in the County Plan. It is noted that the LAP was not varied to align the housing allocation and quantum of zoned land with the 2020-2023 allocation provided for under Variation No. 1. Accordingly, Section 7.2.1 of the LAP 'New Housing Unit Targets' states that a total of 2,609 no. new residential units will be required in Newbridge between 2013-2019.

To meet this housing requirement, Table 10 'Quantum of New Residential Land (zoned C) of the LAP identifies twenty parcels of land zoned for 'New Residential' development that have an estimated capacity for 3,010 no. new dwellings, including the subject site.

Policy PLD 1 of the LAP states that residential development in the town will be managed in accordance with that population allocation as follows:

*'To monitor carefully the scale, rate and location of newly permitted developments and apply appropriate and sustainable development management measures to ensure compliance with the core strategy including population targets and to achieve the delivery of strategic plan led and coordinated balanced development within the town'.*

The proposed development is consistent with the zoning and housing allocation objectives of the Newbridge LAP including PLD 1, that conflict with CS 2 and SS 1 of the Development Plan

Notwithstanding these conflicting objectives, as detailed in Appendix 1, a total of 216 no. new units have been permitted in Newbridge since the coming into effect of Variation No. 1 in June 2020. The proposed development, if permitted would result in an excess of 86 no. units permitted under Variation No. 1. However, if the development is **not** permitted, there will be a shortfall of **483** no. units below the housing target for Newbridge. As such, the proposed development makes a significant contribution to meeting Development Plan Objective **HSO 1**: 'Secure the implementation of the Housing Strategy 2017-2023'. It is submitted on this basis that the objectives of Variation No. 1 of the Plan are not clearly stated given the failure to provide for the implementation of HSO 1 in a manner consistent with and CS 2 and SS 1, and as rendered further inconsistent and unclear by the misalignment with the LAP implementing those Objectives.

As noted, the draft Plan went on display in March 2022. Table 2.8 sets a Housing Target of 1,061 no. new units in the town up to 2028. The proposed development, if granted, will be constructed over two development plan periods. It will contribute to meeting the housing target in the current plan (and without which the target **will not** be met), and will contribute to meeting the housing target of the draft Plan, over the proposed 7-year life of the permission.

Having regard to the foregoing, and to the strategic planning and development context of Newbridge set out in Section 4, above, it is submitted that there are conflicting and not clearly stated objectives within and between the County Development Plan and the Newbridge LAP, and that on that basis the proposed development satisfies the requirements of section 37(2)(b)(ii) and the Board can grant permission on that basis.

### 5.2.2 Building Typology

**Policy HL 6** of the LAP states that it is policy to:

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

The proposed development includes both apartments and duplexes, consistent with other objectives of the LAP, and that are necessary to be consistent with those objectives (and national policy and guidelines).

Objectives HL 3, HL 5, HPO 1 and HPO 2 of the LAP require the provision of a mix of housing types and tenures in new development, and the intensification of residential development, respectively. These objectives cannot be complied with without the provision of apartments and duplexes, and as such conflict with Policy HL 6.

**'HL 3:** *To encourage appropriate densities for new housing development in different locations in the town while recognising the need to protect existing residential communities and the established character of the area.*

**HL 5:** *To require applications for residential developments over 20 units, to demonstrate the provision of an **appropriate mix of dwelling types** having regard to the following:*

- *The **nature of the existing housing stock and existing social mix** in the area;*
- *The **desirability of providing for mixed communities;***
- *The provision of a **range of housing types and tenures;***
- *The need to provide a **choice of housing, suitable for all age groups and persons at different stages of the life cycle;***
- *The need to cater for special needs groups.*

**HPO 1:** *'To promote a high standard of architecture in the design of new housing developments and to **encourage a variety of house types, sizes and tenure to cater for the needs of the population** and facilitate the creation of balanced communities.*

**'HPO 2:** *'To encourage the **appropriate intensification of residential development** in existing residential areas and the town centre, subject to compliance with relevant development management criteria and the protection of residential amenity of adjoining properties'. [Emphasis added]*

Table 10 of the LAP identifies the application site as sites C12 and C13 (17.3 ha) accommodating approximately 605 units. This equates to a density of 35 units per hectare. This is consistent with Table 11 of the LAP that specifies a density range for the site of 30 to 50 units per hectare.

It is not possible to provide sustainable residential densities in the range of 30 to 50 units per hectare and satisfy the requirements for a diverse housing mix in the LAP without the provision of apartments and duplex units. The proposed development accommodates residential development at 35.6 units per hectare to make efficient and sustainable use of the site, and a residential mix including houses, apartments and duplexes, to meet the diverse housing needs of the population, consistent with the requirements of Objectives HL 3, HL 5, HPO 1 and HPO 2 of the LAP.

Furthermore, it is not possible to achieve the density of 35 units per hectare assigned to the site by the LAP without a significant proportion of apartments and/or duplexes. In this regard, the proposed density of 35.6 units per hectare has been achieved by including apartments and duplexes that comprise 43% of the total units on the site. This clearly demonstrates that the density provisions of the LAP and County Development Plan, that are consistent with national policy, are in clear conflict with policy HL6.

A Housing Mix Statement is provided with this application which demonstrates that the proposed development responds to demographic trends towards smaller household size, an aging and more diverse population with almost 41% of units proposed being 1- or 2-bed in size. The balance of units comprise larger 3- and 2-bed units which will reinforce Newbridge's attractiveness for families. A range of unit types, comprising apartments, duplex units, terraced and semi-detached units are proposed across all unit sizes to ensure that future demographic and household formation requirements are met.

Having regard to the foregoing, it is submitted that there are clearly conflicting objectives in the LAP regarding the provision of apartments and duplexes, and that on that basis the proposed development satisfies the requirements of section 37(2)(b)(ii) and the Board can grant permission on that basis.

### 5.3.3 Section 37(2)(b)(iii): Compliance with RSES, Specific Planning Policy Requirements (SPPRs) contained in relevant Section 28 Planning Guidance

National Planning Policy relevant to the built form of the proposed development is set out in detail in Section 5 of the Planning Report and Statement of Consistency, which includes references and statements of compliance with the following:

- National Planning Framework (NPF) – Project Ireland 2040
- Rebuilding Ireland – Action Plan for Housing and Homelessness 2016
- Region Spatial and Economic Strategy (RSES) for the Midlands and Eastern Region, 2019-2031
- 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 (2020)
- Urban Development and Building Heights – Guidelines for Planning Authorities (2018)

The relevant parts of Section 5 of the Planning Report and Statement of Consistency are relied upon in support of this criteria, and the following paragraphs provide a summary of the principal provisions that support and mandate expediting the delivery of a significant number of new homes in a variety of forms, including the provision of apartments and duplex units.

The **National Planning Framework** (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to 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. The National Planning Framework places an emphasis on the sustainable development of lands within Ireland's towns and cities.

Both the NPF and the **Rebuilding Ireland** emphasise the pressing need for new housing, with these documents referring to the provision of 25,000 no. new units per annum nationally to meet future population growth and current demand. CSO Data from 2020 indicates housing completions continue to fall substantially short of national requirements, before taking into account the delay in housing delivery which is likely to be experienced as a result of the temporary halting of construction activity in line with Government guidelines on tackling Covid-19. The current proposal of 569 no. units is of a scale that will meaningfully contribute to achieving the goals of the NPF, the Action Plan for Homelessness and the RSES in County Kildare.

The **Regional Spatial and Economic Strategy** (RSES) for the Eastern and Midland Region is underpinned by the Key Principle of Healthy Placemaking '*to promote people's quality of life through the creation of healthy and attractive places to live, work, visit, invest and study in.*' Furthermore, the integration of transport and land use is promoted, as well as the better use of under-utilised land within the existing built-up urban footprint, focused on a sequential approach to development. The proposed development includes c. 350 metres of the NSORR and will contribute to the completion of the entire route, and includes footpaths, cycle paths and a bus stop. The proposed neighbourhood centre will serve the local population, and will create a healthy, well-connected place to live. The delivery of a major element of recreational infrastructure along the Liffey corridor will also make a significant contribution to recreational amenities and connectivity.

**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 the development of infill, greenfield and brownfield sites. The proposed development has a residential density of 35.6 units per hectare on this mixed green and brown field site and is designed to maximise connectivity and permeability with adjoining lands and the asset base of the town, as set out in Section 4 above.

The **Sustainable Urban Housing: Design Standards for New Apartments 2020** (Apartment Guidelines) build upon and updates the 2015 guidelines based on current and predicted future housing requirements in Ireland. The Guidelines seek to ensure 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. The proposed development meets and exceeds the standards described in these guidelines.

The **Urban Development and Building Heights – Guidelines for Planning Authorities 2018** (Building Height Guidelines) emphasise the need for urban consolidation, intensification and densification of both brownfield and greenfield development land. The design of the proposed development has due regard to the context and character of the surrounding area and provides a well-designed and varied scheme.

The Urban Development and Building Heights Guidelines for Planning Authorities (2018) provide guidance on the types of residential development appropriate in urban locations at sustainable densities. In sections 3.4 to 3.8 the guidelines state that suburban sites, outside of town centres, will now include houses, duplexes and apartments to deliver medium densities of between 35 to 50 units per hectares and meet the housing requirements of a wider demographic. Policy SPPR 4 states:

**SPPR 4:** *'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 "Sustainable 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'. [Emphasis added]*

The proposed density and building typologies are consistent with SPPR4, noting that SPPR mandates duplex or apartment units.

The proposed development has been designed in accordance with the overriding objectives of the NPF, RPGs and Ministerial Guidelines, to provide high quality housing and supporting infrastructure within Newbridge. The scheme has been designed to respect the existing character of the area and to enhance pedestrian and cyclist permeability and connectivity to and across the town. The proposal incorporates a mix of housing types that meet and exceed the relevant development standards and Ministerial Guidelines and will therefore make a positive contribution to the housing stock in the region.

Having regard to the foregoing, it is submitted that the proposed development satisfies the requirements of section 37(2)(b)(iii) having regard to regional spatial and economic strategy for the area, section 28 guidelines, the statutory obligations of the local authority, and relevant policy of the Government, the Minister or any Minister of the Government.

#### **5.3.4 Section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended: 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 proposed development is consistent with the existing and emerging pattern of development in Newbridge. Recently permitted residential developments in the town incorporate a sustainable housing mix including apartments in suburban locations and duplexes, two examples are described below.

**An Bord Pleanála Reference 302141-18:** On 31 October 2018, An Bord Pleanála granted planning permission to Ardstone Homes Limited for 343 no. units on a site to the west of the current subject site. This permitted development accommodated both houses and apartments, comprising:

- 283 number terraced and semi-detached houses (58 number two-bed two-storey; 169 number three-bed two-storey; 20 number four-bed two-storey, and 36 number four-bed three-storey units);
- 48 no. apartments in two number three-storey blocks (16 number one-bed; 32 number two-bed), and
- 12 number one-bed apartments accommodated in three pairs of two-storey semi-detached houses (maisonettes).

The site of Ref. 302141-18 notably is not within the designated town centre of Newbridge and is a comparable distance from the town centre as the subject site. The Board's decision establishes that the Newbridge and the context of the site as a suburban greenfield site is appropriate for apartments and duplex units, consistent with national policy to achieve sustainable densities and a range of housing types and tenures.

**Kildare County Council Reg. Ref. 201261:** On 4 May 2021, Kildare County Council granted planning permission to for the construction of 20 no. units comprising 10 no. apartments and 10 no. duplex units. The planning authority did not determine that the proposal was a material contravention of Policy HL 6 of the LAP.

It is submitted that the location, scale and context of the site are suitable for apartment and duplex units, and that the provision of such units is mandated by national policy and SPPRs.

It is noted that significant employment generating development has been permitted and developed on adjoining and adjacent lands on the eastern side of Newbridge since the adoption of the current Plan, including:

- **KCC Reg. Ref. 211248:** In 2021 KCC granted permission to Barola Capital DAC for a distribution centre of approx. 63,000 sqm within 200 metres of the subject site that is expected to directly employ 270 people.
- **KCC Reg. Ref. 20259:** On 17 September 2020, planning permission was granted to Alder Clover Limited for the change of use of the former Lidl distribution centre to a beverage manufacturing facility of 34,191 sqm. In total, this commercial development will have c. 405 employees.

- **KCC Reg. Ref. 17563:** On 8 January 2018, planning permission was granted to Lidl Ireland GmbH for a new regional distribution centre warehouse of c. 57,611 sqm. The EIAR submitted with this application states that once operational, the distribution centre will directly employ 400 no. people.
- **KCC Reg. Ref. 211780:** On 17 December 2021, Murphy Ireland International Ltd. lodged an application for 2 no. manufacturing sheds within their existing premises. The planning documents submitted state that these additional manufacturing areas have the potential to employ an additional 22 no. people.

In addition, Pfizer Ireland Pharmaceuticals continue to invest in its existing facility that is circa 600 metres to the north of the subject site.

The strategic importance and ongoing contribution of the eastern side of Newbridge, including the subject site, to delivering strategic employment, housing, infrastructure and amenity objectives, is further elaborated in Section 4 above.

It is submitted that the Board can consider granting permission under s. 32(b)(2)(iv) having regard to the pattern of development, and permissions granted, in the area since the making of the development plan

## **6 CONCLUSION**

This Statement addresses matters that may be considered to represent a material contravention of the Kildare County Development Plan 2017-2023 and the Newbridge Local Area Plan 2013-2019, in accordance with Section 8(1)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act, 2016.

Having regard to detail provided in the Statement, as complemented by the Planning Report and Statement of Consistency, it is submitted to the Board that the proposed development satisfies the requirements of Section 37(2)(b) of the Act of 2000, and that the Board can grant permission for the proposed development having regard to those provisions.

## **Appendix 1**

---

Analysis of Residential Permissions Granted since the coming into effect of Variation No. 1 of the Kildare County Development Plan 2017-2023 in June 2020

**Table A.1 Planning Register Review: Units permitted between June 2010 and February 2022**

<b>Reg. Ref.</b>	<b>Applicant</b>	<b>Address</b>	<b>Application Date</b>	<b>Number of Units</b>
311040-21	Glan Developments. 204 units.www.ballmany2.com	Ballymany, Newbridge, Co. Kildare	06/08/2021	204 (77 extant)
211056	Johnny Connors,	894 Piercetown, Newbridge, Co. Kildare W12 KF98.	19/07/2021	1
21881	Thomas Maguire,	St. Conleth's Avenue / Hawthorn Close, Naas Road, Newbridge, Co. Kildare.	18/06/2021	2
21300	David Cox	1941A, St. Dominics Park, Newbridge, Co. Kildare	10/03/2021	1
2148	Taknock Limited,	Beechmount, Green Road, Newbridge, Co. Kildare.	19/01/2021	19
21300	David Cox	1941A, St. Dominics Park, Newbridge, Co. Kildare	10/03/2021	1
212	Peter and Rose McGann,	90 Moorefield Park, Newbridge, Co. Kildare.	04/01/2021	1
201531	Brian Byrne,	Unit no.2 Wallace Court, Eyre Street, Newbridge, Co. Kildare	14/12/2020	1
201284	Ballymore Newbridge Developments Limited,	Rickardstown and Roseberry Townlands, Newbridge, Co. Kildare.	28/10/2020	9
201261	Patrick and Thomas Leeson,	Station Road, Townland of Piercetown, Newbridge, Co. Kildare.	23/10/2020	20
20885	John Kelly	Henry Street, Newbridge, Co. Kildare	10/08/2020	1
20827	Mark Joyce	Greatconnell, Newbridge, Co. Kildare	27/07/2020	1
20672	Mark Joyce	'The Winning Post', Located at the junction of Eyre Street & John Street, Newbridge, Co. Kildare	29/06/2020	6
20673	Mark Joyce	the junction of John Street & Patrick Street, Newbridge, Co. Kildare.	29/06/2020	3
20393	Luke Connors,	Eyre Street, Newbridge, Co. Kildare.	16/04/2020	6
20128	James Fagan,	1 Francis Lane, Newbridge, Co. Kildare.	14/02/2020	1
2098	John Switzer,	21 Great Southern, Newbridge, Co. Kildare.	07/02/2020	1
2049	James Fagan	No.2 and No. 5, Francis Lane, Newbridge, Co. Kildare.	24/01/2020	1
191333	Paul and Fiona Shorte	698 Old Connell, Newbridge, Co. Kildare.	02/12/2019	1
19995	DMCD Developments Limited,	Cornelscourt, Newbridge, Co. Kildare.	04/09/2019	8
19745	Thoval Properties Limited,	Athgarvan Village, Newbridge, Co. Kildare.	28/06/2019	6
<b>Total units Permitted</b>				<b>293 no. units</b>
<b>Extant Units at time of Variation No. 1</b>				<b>77 no. Units (Reg. Ref. 05/271)</b>
<b>Total 'New' Units permitted June 2020-February 2022</b>				<b>216 No. Units</b>

A review of the planning register identified that between June 2020 and February 2022, 216 no. new residential units were permitted in the town, including single units, infill development and an SHD (see table 5.2.1).

A total of 293 no. residential units have been permitted, including 204 no. units in SHD Ref. 311040-21. The site of this permitted SHD comprises area C1 of the LAP and has extant planning permission for 77 no. units under Reg. Ref. 05271 (extended by Reg. Ref. 101112 and amended by Reg. Ref. 12562). With reference to the housing allocation details of the LAP, the permitted SHD accommodates 127 no. 'New' units that have not already been accounted for in the LAP.

As such, the total number of new residential units permitted since June 2020 is 216 no. The proposed development of 569 no. plus the 216 no. units brings the potential number of houses up to 785 no. units, which exceeds the core strategy allocation of 699 no. units up to 2023.

It is noted that a new Strategic Housing Development application was submitted to An Bord Pleanála 11<sup>th</sup> February 2022, under ABP Ref 312704. This proposed development of 336 no. units is similar to that refused planning permission under ABP Ref. 310912. At the time of writing, the Board had not made their decision in respect of this new SHD, and a decision is due 2 June 2022.