

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1,

17th June 2022

Dear Sir,

RE: STRATEGIC HOUSING DEVELOPMENT APPLICATION CONSISTING OF 344 NO. RESIDENTIAL UNITS, A CHILDCARE FACILITY, OPEN SPACE AND ALL ASSOCIATED DEVELOPMENT ON LANDS AT DUBLIN ROAD AND THE SHINKEEN ROAD, WITHIN THE TOWNLANDS OF DONAGHCUMPER AND BALLYOULSTER, CELBRIDGE, CO. KILDARE

Introduction

On behalf of the applicant, Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership), HWBC Allsop, 80 Harcourt Street, Dublin 2, we hereby submit an SHD application for a seven-year planning permission for a Strategic Housing Development at lands at Dublin Road and the Shinkeen Road, within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare. The application site has an area of c. 13.4 ha and is bound by a greenfield site, Donaghcumper Cemetery, Retronix Semiconductor company and the Dublin Road to the north, the Rye River Brewing Company and the Ballyoulster Park housing estate to the north east, the Primrose Gate housing estate to the south, agricultural lands to the east and Shinkeen Road to the west. Donaghcumper Medieval Church Ruins (RPS No. B11-02) and the house on Dublin Road, Donaghcumper (RPS No. B11-26), are protected structures located north of the application site.

This proposal falls under the definition of Strategic Housing Development as set out under Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) as it is a proposed development 'of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses'.

Proposed Development

The proposed development for which a **seven-year** permission is sought is described as follows in the public notices:

"The proposed development comprises a Strategic Housing Development of 344 no. residential units (comprising 54 no. 1 beds, 30 no. 2 beds, 210 no. 3 beds and 50 no. 4 beds), a 2 no. storey childcare facility with a GFA of c. 369 sq.m, public and communal open space, landscaping, car and cycle parking spaces, provision of an access road from Dublin Road and Shinkeen Road, associated vehicular accesses, internal roads, pedestrian and

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cycle paths, bin storage, cycle storage, pumping station and all associated site and infrastructural works.

The residential component of the development consists 214 no. apartments / duplex units, and 130 no. houses of to be provided as follows:

- *4 no. 3 bed two storey detached houses;*
- *28 no. 3 bed two storey semi-detached houses;*
- *48 no. 3 bed two storey terraced houses;*
- *50 no. 4 bed three storey semi-detached houses;*
- *214 no. duplex apartments / apartments (54 no. 1 beds, 30 no. 2 beds, and 130 no. 3 beds) in a series of 15 no. duplex apartment / apartment blocks of 3 no. storeys in height, and all duplex apartments / apartments are provided with a terrace / balcony or private garden;*

The development includes a total of 585 no. car parking spaces, 4 no. loading bays and a total of 770 no. cycle spaces. The proposal includes hard and soft landscaping, lighting, boundary treatments, the provision of public and communal open space, including 3 no. Local Parks, children's play areas, and an ancillary play area for the childcare facility.

The proposed development includes road upgrades, alterations and improvements to the Dublin Road / R403 and the Shinkeen Road, including the provision of new vehicular accesses and signalised junctions, pedestrian crossing points, and associated works to facilitate the same. The proposal includes internal roads, including 3 no. bridge crossings, cycle paths, footpaths, with proposed infrastructure and access points provided up to the application site boundary to facilitate potential future connections to adjoining lands.

The development includes foul and surface water drainage, pumping station, 3 no. ESB Substations, services and all associated and ancillary site works and development.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

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 Celbridge Local Area Plan 2017-2023."

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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 Celbridge Local Area Plan 2017-2023.

An Environmental Impact Assessment Report has been prepared in respect of the proposed development and accompanies this application.

Duration of Permission

As set out in the public notices and having regard to the scale of the proposed development, the proposed phasing and the fact that the application is subject to an EIAR, a seven-year permission is sought having regard to the provisions of Section 41 of the Planning and Development Act 2000, as amended.

The proposed development will respond to current and future housing demand in the area, via the delivery of a significant quantity of residential development on a phased basis over the duration of a 7 year planning permission which is sought for the development. Subject to a grant of permission, the proposed development will see the delivery of housing and duplex apartment / apartment units on the site from c. 2025 onwards (given the estimated timescale to construct Phase 1), i.e. thereby being delivered during the lifetime of the next County Development Plan. Further information in respect to the timing and phasing of development may be found in the accompanying Statement of Response to the Board's Opinion prepared by John Spain Associates and relevant engineering documentation accompanying the application.

Site Location and Context

The subject site is located within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare and is primarily zoned C - New Residential and partly zoned E - Community and Educational in the Local Area Plan. The site is situated adjacent to the Dublin Road and the Shinkeen Road. The site is located to the southeast of Celbridge town centre and is identified as part of 'Key Development Area 2 (KDA2) – Ballyoulster' within the Celbridge Local Area Plan 2017-2023. The subject site is greenfield and in agricultural use. The subject site is bounded to the south-east by agriculture lands, to the north by a greenfield area, which is reserved for the Department of Education as 3 school campus to be delivered in the short to medium term, and beyond by Donaghcumper Cemetery and the Dublin Road (R403) and to the north-east, to the south-west and to the west by residential areas.

The site is well serviced by public transport. Dublin Bus services C4, C6, X27, X28, L58 and L59 replace the previous Dublin Bus Services 67, 67x and 67n, with two additional 'Local' Routes L58 and L58 providing convenient bus connections to Rail services available at the Hazelhatch & Celbridge Train Station. The C4 bus service operates between Ringsend and Maynooth with a 30 minute frequency whilst the X27 and X28 offer express services between Celbridge and UCD (Belfield) every 15-20 minutes during peak times. The C6 Route provides a nightly service between Maynooth and Ringsend operating between midnight and approx. 05:00. The Go-Ahead Commuter Route 120 is accessible on English Row in Celbridge Town Centre and operates between Connolly Station and Edenderry. The subject site will also benefit from an additional orbital Route W6 which will provide a connection towards Maynooth to the north-west and Tallaght to the south-east. The route will travel via Citywest and will have a frequency of 30 minutes on both weekdays and weekends.

The Hazelhatch and Celbridge Train Station is located approximately 1.9km south of the subject site and provides frequent train services to Dublin Heuston Station, and onwards to Connolly, as well as regional routes serving Cork, Galway, Limerick and Waterford. A feeder bus service is operated between the Hazelhatch and Celbridge Train Station and Celbridge town centre which runs every 30mins. The train station is part of the Dart+ programme which aims to modernise and improve existing rail services in the Greater Dublin Area, delivering frequent, modern, electrified services to Celbridge. This continues to form part of the recently published updated Draft Greater Dublin Area Transport Strategy 2022 to 2042 published by the NTA.

The existing local road infrastructure provides direct connections to the N4, M4 and M50.

The subject site is also in close proximity to a number of other services and facilities, including but not limited to supermarkets, schools, hotels, and parks.

Land Use Zoning

The subject lands are primarily zoned C - New Residential, which has an objective 'to provide for new residential development' and partly zoned E - Community and Educational with the objective 'to provide for education, recreation, community and health', as per the Celbridge Local Area Plan 2017-2023. The lands are identified within the Celbridge Local Area Plan 2017-2023 as part of a key development area 'KDA 2 - Ballyoulster'. The proposed development is consistent with the Celbridge LAP Land Use Zoning Objectives Map, and the Land Use Zoning Matrix set out in Section 13.4 of the LAP. Please refer to Section 6 of the Statement of Consistency and Planning Report, and accompanying Legal Opinion (Appendix 1) for further details.

Pre-Application Consultation Meeting with the Board (Tri-Partite Meeting)

A pre-application meeting was undertaken with An Bord Pleanála on the 16th of February 2022, under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. The Board's Opinion was received on the 2nd of March 2022.

This planning application is accompanied by a Statement of Response to the Board's Opinion prepared by JSA in consultation with the wider design team. The Statement of Response to the Board's Opinion prepared by JSA, which should be read in conjunction with relevant application documentation referenced therein, clearly sets out how the specific information items and further information requested by the Board have been fully addressed in the documentation now submitted for approval. In addition, where relevant other consultants reports include a section responding to the pre-application consultations with KCC and ABP and demonstrating how the issues raised have been addressed or providing a justification for the proposal in the context of the requests made during pre-application consultations.

Lodgement Date and Clarification of Applicant Name

In accordance with Section 17(2)(a) of the Planning & Development (Amendment) (Large-scale Residential) Act 2021, we notified the Board on behalf of the prospective applicant of the intention to proceed with the SHD application within the time period prescribed under Section 17(2)(b) of the 2021 Act. In accordance with Section 17(3)(b)(ii) of the Planning and Development (Amendment) (Large-scale Residential Development) act 2020, the deadline for submission of the SHD application is the 21st June 2022 (i.e. 16 weeks from the 2nd March 2022, the date of receipt of the Opinion).

The applicant at pre-application stage was 'Kieran Curtin, Receiver over certain assets of Maplewood Developments Limited', which as advised by the applicant at that time. However for clarity this has been updated to 'Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership)' (emphasis added highlighting the change). It is confirmed there is no change of identity of the owner, as the company name was always an unlimited company (i.e. it has not changed from a limited company to an unlimited company). The applicant name as corrected is also consistent with the Deed of Novation in respect of the applicant as Statutory Receiver (a copy of which is included with the application form). As such, the applicant essentially remains unchanged and therefore there is no prejudice caused as the change is not material.

We understand that this approach is acceptable as there are a number of similar cases which support this, including Thomas McDonagh & Sons Ltd v Galway Corporation [1995] 1 I.R. 191; State (Toft) v Galway Corporation [1981] I.L.R.M. 439 and State (Alf-a-bet) Promotions Ltd v Bundoran UDC (1978) 112 I.L.T.R. 9 at 15.

Consultation with the Planning Authority under Section 247

The SHD process comprises three mandatory stages including Stage 1 which is a consultation with the Planning Authority (under section 247 of the Planning & Development Act, 2000, as amended).

A formal pre-application meeting was held with Kildare County Council on the 26th of August 2021. The pre-application meeting was attended by Eoghan Lynch (Senior Executive Planner), Amy Granville (Senior Planner) of KCC Planning Department, in addition to Patrick Harrington (Senior Executive Architect- Housing), George Willoughby and Siobhan O'Dywer (Transportation), Colm Flynn and Earnan McGee (Environment), Chanel Ryan (Fire Service).

In addition, a further meeting was undertaken with KCC on the 7th of April 2022 . The meeting was attended by Eoghan Lynch, Louise Murphy and Amy Granville - Planning, George Willoughby and Joe Keane - Transport, David Hall - Water Services, Earnan McGee - Environment, and Carmel O'Grady - Parks. In addition, David Lee from Irish Water attended the meeting at the request of KCC.

A summary of the pre-application consultation undertaken by the Applicant with Kildare County Council has been included in Section 3 of the accompanying Statement of Consistency and Planning Report.

Irish Water Requirements

The requirements in respect of Irish Water (IW) set out in Section 20 of the SHD Application Form are addressed in the form, the IW correspondence received, and the Infrastructure Design Report prepared by DBFL Consulting Engineers.

The applicant and DBFL Consulting Engineers have undertaken extensive consultation with Irish Water prior to the lodgement of this application. A Confirmation of Feasibility was received from Irish Water on the 17th of August 2021, which confirmed that a connection is feasible for water and feasible subject to upgrades.

A Statement of Design Acceptance letter has also been received from Irish Water, which confirms that all the water and foul drainage services are designed in accordance with Irish Water standards. Please refer to DBFL Consulting Engineers application documentation for further information.

Part V

The Part V package accompanying this application includes the following:

- JSA Cover Letter;
- Part V Booklet and Part V drawing prepared by OMP, which includes site layout plans and floor plans, illustrating the location within the scheme of the proposed 69 no. Part V units (pepper potted within the three development zones (Sites A, B and C), i.e. 20% of 344, and a schedule of areas;
- Applicant's Estimated Table of Costs, including Estimated Total Cost to the Planning Authority and Estimated Cost Per Unit.

The proposals comply with the 20% Part V requirement arising under the Affordable Housing Act 2021. These proposals have been subject to initial discussions with the Housing Department and are subject to final agreement with Kildare County Council following a grant of permission.

Drawings, Plans and Particulars

The planning application is accompanied by a full set of architectural drawings which have been prepared in accordance with the requirements of Articles 297 and 298 of the Planning and Development Regulations 2001, as amended.

The architectural drawing package includes a full set of architectural drawings prepared by OMP, including Survey Drawings, a Site Location Map and Site Layout Plans. In addition, a Landscape & Arborist drawing pack and Engineering drawing pack accompanies the application. Each drawing pack submitted is accompanied by a schedule / register of drawings, as required under Q. 23 of the Application Form.

Statement of Consistency with Planning Policy

A Statement of Consistency and Planning Report prepared by John Spain Associates is enclosed with this planning application which demonstrates that the proposal is consistent with the relevant guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended), the Kildare County Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023.

Statement of Material Contravention

As set out within the public notices for the application, the application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in Section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

The Statement of Material Contravention provides a justification which the Board may have regard to in the event that the development is considered to represent a Material Contravention of the Kildare Development Plan 2017-2023 and the Celbridge Local Area Plan 2017-2023.

The proposed development does not represent a material contravention in relation to the zoning of land, as the subject site is zoned to facilitate the proposed uses, as discussed in further detail in the Statement of Consistency and Planning (including Legal Opinion incorporated into Appendix 1).

Environmental Impact Assessment Report

An Environmental Impact Assessment Report and a Non-Technical Summary have been prepared for and accompany this planning application.

In accordance with the requirements of the Regulations the following copies have been provided to the relevant parties:

- 2 no. hard and 3 no. soft copies to An Bord Pleanála
- 6 no. hard and 3 no. soft copies to the Planning Authority

Soft copies (each confirmed that a hardcopy is not required) to the 4 no. prescribed authorities listed in the Board's Opinion on the proposed application have been provided. A copy of the notification letters issued to the prescribed bodies and Planning Authority is included with this SHD application.

EIA Portal

Appendix 1 of this cover letter comprises of a copy of a confirmation notice email from the Department of Housing, Planning and Local Government EIA Portal, stating that the information provided to the portal has been uploaded to the EIA Portal on the 15/06/2022 under Portal ID number **2022109**.

Application Site Boundary

Please note that the application site boundary has been provided by OMP in .dwg format on CD ROM with all geometry referenced to ITM as specified in Section 6 of the Application Form.

Fee

Please find enclosed a cheque for the application fee of €57,376.80, made payable to An Bord Pleanála for a Section 4 SHD application as prescribed in the Strategic Housing Development Fee Schedule.

Website

The application may also be inspected online at the following website set up by the applicant:

- www.ballyoulstershd.ie

A final PDF of all application documents has been uploaded to the above website address, which will go live on the day of lodgement.

In addition, due to the size of the soft copy of the Verified Photomontages Brochure prepared by Model Works, a low-res and high-res version are included on the website and soft copy to ensure the public and statutory consultees do not have any issues in viewing this brochure.

Prescribed Bodies

As required in the Board's Consultation Opinion a copy of the application has been sent to the prescribed bodies set out below. All of the prescribed bodies have confirmed that they only require a soft copy of the planning application documentation.

1. Office of Public Works (OPW)
2. Inland Fisheries Ireland
3. Irish Water
4. Kildare County Childcare Committee

Enclosures

Two no. copies of the following documentation is herein submitted to An Bord Pleanála in accordance with Article 297 (6) of the Planning and Development (Strategic Housing Development) Regulations 2017, as amended:

Planning Particulars

- Application Fee cheque €57,376.80;
- 2 no. copies of the Strategic Housing Development Application Form, Letter of Consent from Kildare County Council, Letter from Applicant, including Deed of Novation, Irish Water COF and SODA letters, site notice and newspaper notice (including copy of newspaper notice);
- 2 no. copies of this Cover Letter to ABP prepared by John Spain Associates;
- 2 no. copies of the cover letters to prescribed bodies / authorities and Kildare County Council prepared by John Spain Associates;
- 2 no. copies of Letter of Support from the Department of Education;
- 2 no. copies of the Part V proposals, including Part V Booklet and Part V drawing prepared by O'Mahony Pike Architects, a Part V Cover Letter prepared by John Spain Associates, and an Estimate of Costs prepared by the applicant;
- 3 no. soft copies of the application documentation;

Planning Reports

- 2 no. copies of Statement of Response to the Board's Opinion prepared by John Spain Associates;
- 2 no. copies of Statement of Consistency and Planning Report prepared by John Spain Associates;
- 2 no. copies of Social and Community Infrastructure Audit / Assessment prepared by John Spain Associates;
- 2 no. copies of Statement of Material Contravention prepared by John Spain Associates;

Architectural Inputs

- 2 no. copies of Architectural Drawings, Schedule of Accommodation, Housing Quality Assessment and Schedule of Drawings prepared by O'Mahony Pike Architects;
- 2 no. copies of the Design Statement prepared O'Mahony Pike Architects;
- 2 no. copies of the Building Lifecycle Report prepared by O'Mahony Pike Architects and the design team;

Engineering Inputs

- 2 no. copies of an Infrastructure Design Report, Engineering Drawings, and Drawing Schedule prepared by DBFL Consulting Engineers;
- 2 no. copies of a Traffic and Transport Assessment prepared by DBFL Consulting Engineers;
- 2 no. copies of a Mobility Management Plan prepared by DBFL Consulting Engineers;
- 2 no. copies of a DMURS Compliance Statement prepared by DBFL Consulting Engineers;
- 2 no. copies of a Site-Specific Flood Risk Assessment prepared by McCloy Consulting;
- 2 no. copies of a Preliminary Construction Management Plan prepared by DBFL Consulting Engineers;
- 2 no. copies of a Quality Audit prepared by Bruton Consulting Engineers;
- 2 no. copies of an Energy Statement prepared by Waterman Moylan Consulting Engineers;
- 2 no. copies of a Public Calculation Lighting Report, including drawings, prepared by Waterman Moylan Consulting Engineers Ltd.

Landscape / Arboricultural Inputs

- 2 no. copies of Landscape Drawings, Drawing Schedule and Landscape Strategy Report prepared by Bernard Seymour Landscape Architects;
- 2 no. copies of Arboricultural Assessment, Drawings and Schedule prepared by Arborist Associates Ltd;

Environmental Inputs

- 2 no. copies of an Environmental Impact Assessment Report and Non-Technical Summary prepared by John Spain Associates (JSA), and other consultants;
- 2 no. copies of an Appropriate Assessment Screening Report by Altemar Ltd;
- 2 no. copies of the Verified Photomontages Brochure prepared by Model Works Ltd (also included as Appendix 6.1 of the EIAR);
- 2 no. copies of Daylight, Sunlight and Overshadowing Analysis Report prepared by Passive Dynamics;
- 2 no. copies of a Resource Waste Management Plan prepared by AWN Consulting;
- 2 no. copies of an Operational Waste Management Plan prepared by AWN Consulting.

Six no. hard copies and three no. soft copies of this SHD has been sent to Kildare County Council as the appropriate planning authority in which the proposed Strategic Housing Development (SHD) is located.

We trust that the documentation as submitted meets the requirements of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, and specifically the Planning and Development (Strategic Housing Development) Regulations 2017, as amended, and application guidance documents issued by An Bord Pleanála.

In preparing this planning application, including all drawings and reports, the applicant and design team have responded to the items raised in pre-application consultation meetings and the Board's Opinion.

If you have any queries, please do not hesitate to contact us.

Yours sincerely,



John Spain Associate

APPENDIX 1- EIA PORTAL CONFIRMATION

Kate Kerrigan

From: Housing Eiaportal <EIAportal@housing.gov.ie>
Sent: Wednesday 15 June 2022 11:21
To: Kate Kerrigan
Subject: EIA Portal Confirmation Notice Portal ID 2022109

Dear Kate,

An EIA Portal notification was received on 14/06/2022 in respect of this proposed application. The information provided has been uploaded to the EIA Portal on 15/06/2022 under EIA Portal ID number 2022109 and is available to view at

<http://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>.

Portal ID: 2022109

Competent Authority: An Bord Pleanála

Applicant Name: Kieran Curtin, Receiver over certain assets of Maplewood Developments Unlimited Company (in liquidation and in receivership)

Location: Lands at Dublin Road and the Shinkeen Road, within the townlands of Donaghcumper and Ballyoulster, Celbridge, Co. Kildare.

Description: Proposed Strategic Housing Development of 344 residential units (130 no. houses and 214 no. apartment / duplex units), childcare facility, public and communal open space, access road from Dublin Road and Shinkeen Road along with all associated development.

Linear Development: No

Date Uploaded to Portal: 15/06/2022

Regards,

Karl.

EIA Portal team

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

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

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