



An Bord Pleanála
Strategic Housing Development Section,
64 Marlborough Street,
Dublin 1.
D01V902

17th December 2018.

Att:

Our Ref. 00.129

Your Ref. ABP-302334-
18

Re: Planning Application to An Bord Pleanála under the Strategic Housing Development Regulations on behalf of McCourt Investments Ltd in respect of a proposed residential development of 136 no. dwellings, 1 no. vehicular link at Kill Hill Lane, 2 no. vehicular connections to The Avenue, Earl's Court, a further pedestrian link at No. 16 The Green, Earl's Court, the provision of a new Heritage Trail and all associated and ancillary site development works.

Dear Madam or Sir,

On behalf of our Clients McCourt Investments Limited, of 5 The Park, Earl's Court, Kill, Co. Kildare, JFOC Architects are pleased to present this Planning Application under the Strategic Housing Development Regulations 2017 to An Bord Pleanála. The Planning Application fee in the sum of €17,860 is enclosed. The proposals contained herein have taken full account of the 'Opinion' received from An Bord Pleanála on the 15th October 2018, following the tripartite meeting with Kildare County Council on 25th September 2018 and the reasons for refusal of the previous SHD Planning Application for development on this site.

Planning Application Documentation:

We enclose herewith 2 No. hard copies and 3 No. digital copies of all documentation for An Bord Pleanála, and have furnished a further 6 No. paper copies and a digital copy to Kildare County Council. A full schedule of all documents is included at Appendix A. In addition, as advised by An Bord Pleanála's Opinion pursuant to article 285(5) (a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prescribed bodies listed at Appendix K have been informed of the planning application and sent a copy of all documentation. As agreed with each of the prescribed bodies, digital copies have been furnished except

ARCHITECTS • PLANNING CONSULTANTS • TECHNOLOGISTS

11a Greenmount House, Harold's Cross, Dublin 6w Tel: + 353 1 453 0277 Fax: + 353 1 453 0280

www.jfocarchitects.com e-mail: info@jfocarchitects.com

where hard copies of the full submission or documentation of particular relevance to that body have been requested, and further hard copies will be supplied if required.

Public Notices:

Site notices have been erected in the prescribed form at the locations indicated on drawing 00.129.PD401. The newspaper notice was published in The Daily Star Newspaper on the 19th December as enclosed. All documents in support of this planning application have been published on this website – www.killhill2.ie.

Planning History:

In December last, Planning Permission was applied for inter alia 130 no. dwellings. On the 28th March, An Bord Pleanála made a decision to refuse planning permission for the following reasons:

- 1. Having regard to the existing deficiency in the provision of adequate sewerage infrastructure serving the subject site, it is considered that the proposed development would be premature pending the carrying out and completion of Contract 2B of the Upper Liffey Valley Sewerage Scheme, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the proposed density of development, at a net density of 26 numbers per hectare, it is considered that the proposed development would not be development at a sufficiently high density to provide for an acceptable efficiency in land usage given the proximity of the site to the built-up area of Kill village and in close proximity to educational facilities and to the established social and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being predominantly semi-detached and detached housing. It is considered that the low density proposed would be contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to Planning Authorities under Section 28 of the Planning and Development Act, which indicate that net densities less than 30 number dwellings per hectare should generally be discouraged in the interests of land efficiency. The proposed development would, therefore, be contrary to these Ministerial Guidelines and contrary to proper planning and sustainable development of the area.*
- 3. It is considered that, having regard to the correspondence and the accompanying map dated 1st February 2018, received by An Bord Pleanála from the Development Applications Unit of the Department of*

ARCHITECTS • PLANNING CONSULTANTS • TECHNOLOGISTS

11a Greenmount House, Harold's Cross, Dublin 6w Tel: + 353 1 453 0277 Fax: + 353 1 453 0280

www.jfocarchitects.com e-mail: info@jfocarchitects.com

Culture, Heritage and the Gaeltacht, regarding the re-classification of Recorded Monument KD020-001-003 from enclosure/ ring-barrow/ tumulus to hillfort and the resultant expanded buffer that corresponds with the area of archaeological potential around the hillfort and the archaeological complex to the south comprising sites and monument numbers KD019-010, KD019-056, KD019-057 and KD019-008004 protected by Preservation Order number 3 of 2007 published by the National Monuments Service, the proposed development would be likely to injure or interfere with a historic monument which stands registered in the Register of Historic Monuments under Section 5 of the National Monument Acts, or which is situated in an archaeological area so registered. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

We are pleased to inform you that significant progress has been made with respect to the reasons for refusal as set out above, and these have now been addressed as follows:

1. Irish Water

As outlined above, An Bord Pleanála considered the planning application to be premature pending the completion of Contract 2B of the Liffey Valley Sewerage Scheme. In its Statement of Feasibility (enclosed) Irish Water have confirmed that Contract 2B is within their current investment plan and is scheduled to be completed by 2021. The design team has proposed a phasing arrangement to Irish Water where the first 35 housing units can be delivered prior to the completion of Contract 2B, with the balance to delivered after the completion of Contract 2B. This proposal will allow the entire development to be completed within the lifetime of a planning permission.

Following the pre-planning meeting with An Bord Pleanála on 25th September 2018, when it was emphasised that a planning application while the Compulsory Purchase Order (CPO) was yet to be decided by An Bord Pleanála would be premature, we elected not to lodge a planning application until this process was complete. We were subsequently informed that on the 27th November 2018 An Bord Pleanála contacted Irish Water to advise that there were no objections remaining to the proposed CPO and that it was now up to Irish Water to confirm/refuse the CPO. Please refer to Appendix L enclosed with this planning application. The progression of the CPO demonstrates that the ULVC2B is progressing well, and will allow for the completion of this development as deemed acceptable by Irish Water.

2. Density

An Bord Pleanála considered the net density of 26 units per hectare to be too low to provide for an acceptable efficiency in land usage. An Bord Pleanála indicated that densities of below 30 units per hectare would be discouraged. Furthermore, An Bord Pleanála considered that the housing mix was inadequate, being predominantly detached and semi-detached houses.

In response to the above, our proposal was amended to increase the density to 30 units per hectare at Pre-Planning Application Stage, and has now been increased to 32 units per hectare for this planning application. Furthermore, we have eliminated “House Type F”, a 203sqm detached 4-bedroom house, and designed two new house types, “House Type M”, a 3-bed 105sqm predominantly terraced house, and “House Type N/N1”, a 2-bed 81/88 sqm terraced house. The overall number of terraced houses has increased from 16 no. to 38 no. houses, while the number of detached houses has decreased from 18 no. to 8 no. and the number of semi-detached houses has decreased from 92 no. to 82 no. The overall number of 1-bed units has doubled from 4 no. (3%) to 8 no. (6%) and the number of two bed units have increased from 12 no. (9 %) to 25 no. (18%). The percentage of one and two bedroom units has increased from 12% to 24%, giving a more balanced unit mix.

The proposed revisions to the scheme have balanced the importance of an appropriate density of residential development being provided on residentially zoned lands to achieve sustainable new communities, and the sensitive nature of the landscape at Kill Hill and the adjacent archaeological sites. While the number of dwellings proposed has increased by 6, it is important to note the effective site area deemed appropriate for development has noticeably decreased due to the increased archaeological buffer zone. The intensity of development has greatly increased with additional terraces and apartments provided at appropriate locations. The design intention has carefully ensured that the intensification of development has retained the successful features of the previous proposals including the strong street character, the passive surveillance and framing of Kill Hill, and keeping the impact of cars to a minimum.

Following consultation with Kildare County Council and An Bord Pleanála, we would contend that a density of 32 units per hectare is appropriate on this site. Due to the location of the site in proximity to archaeological sites to the south and east and associated significant green buffer zones, large open space areas have been provided, constituting 45% of the nett site area. To the north, the site is bounded by a rural laneway and a

new school, whose site was provided to the Department of Education by our Client, and to the west sits the well maintained previous phase of residential development at Earls Court (also built by our Client). In the context of sensitive rural boundaries, the proximity to Kill Hill, the significant areas of public open space that have been provided on the site and the adjacent low density development, we consider that the proposed development, with a net density of 32 dwellings per hectare is appropriate. The Kildare County Development Plan indicates that in edge of centre sites within small town/village “the emphasis is on achieving successful transition from central areas to areas at the edge of the smaller town or village”. The proposed density is consistent with the indicative density levels indicated in Table 4.2 of the Kildare County Development Plan, and the core strategy of the plan which has undergone the appropriate environmental assessment and has been approved by the Department of the Environment.

3 Archaeological Buffer Zone

An Bord Pleanála received a submission from the Department of Culture, Heritage & the Gaeltacht (DCHG) after the previous planning application was lodged. The submission set out new enlarged buffer zones for the site. See Figure 1 below.

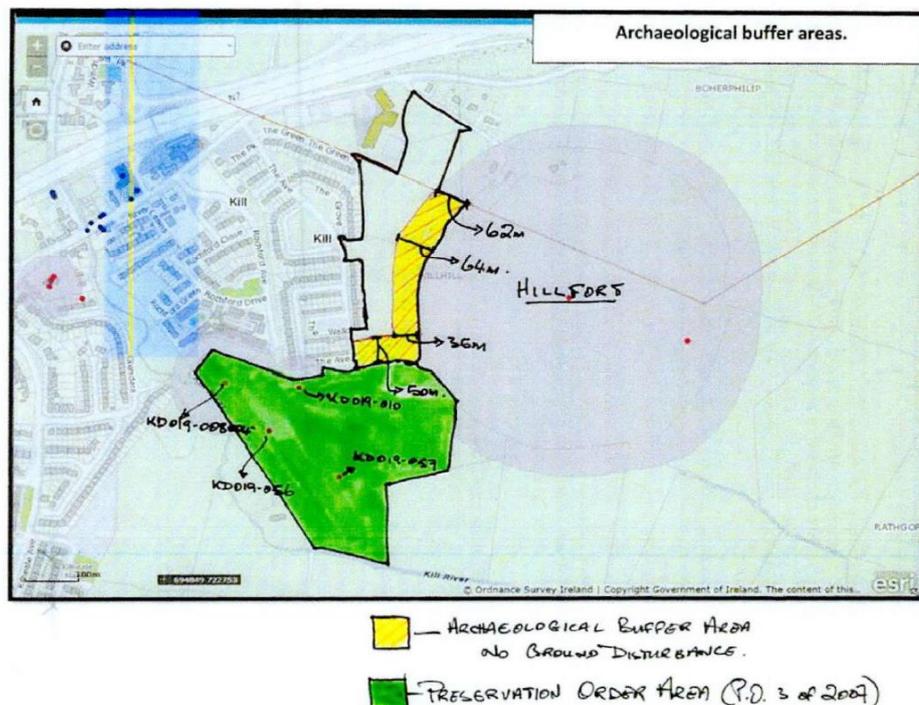


Figure 1: DCHG Observation Archaeological Buffer Zones

ARCHITECTS • PLANNING CONSULTANTS • TECHNOLOGISTS

11a Greenmount House, Harold's Cross, Dublin 6w Tel: + 353 1 453 0277 Fax: + 353 1 453 0280

www.jfocarchitects.com e-mail: info@jfocarchitects.com

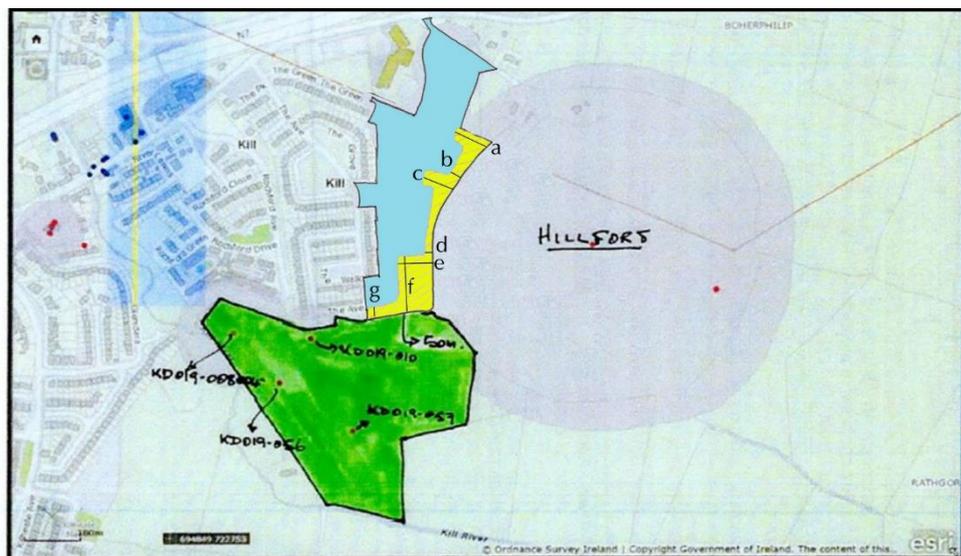
On the 25th April and again on the 21st June 2018 JFOC Architects met with Sean Kirwan & Hugh Carey of DCHG and the design team archeologist John Kavanagh. Landscape Architect, Ronan MacDiarmada also attended the June meeting.

Photos showing the existing context of Kill Hill were presented to the DCHG. The proposed development is to be the third and final phase of the Earl's Court Housing Estate. The incomplete nature of the existing development adjacent to the hill (Phase 2 of the Earl's Court Housing Estate) detracts from the amenity of Kill Hill. As per the previously approved development under reg ref. 06/1091 extended under (12/86), it was never our client's intention that this would be the final finish facing Kill Hill. Without the completion of Phase 3, the estate is unfinished with backs of houses and 2m high concrete block garden walls providing an ugly aspect to Kill Hill and a complete lack of passive surveillance.



View from Kill Hill looking towards Phase 2 of the Earl's Court development

The design team proposed a layered approach to the buffer zones where a meandering archaeological buffer zone is considered, with a broader 'Zone of Sensitive Design' (Figure 2). Within this zone, Kill Hillfort is the key design generator, with streets and public open spaces radiating from the Hillfort. All houses adjacent to Kill Hill now face the hill providing an attractive aspect as well as passive surveillance. A large quantum of quality parks and greens are proposed. The parking strategy is sensitive with most cars tucked between houses rather than dominating the street. Archaeologist John Kavanagh of Icon Archaeology identified the potential for a Heritage Trail in Kill and following positive feedback and input from the DCHG, he prepared a Feasibility Study for the Heritage Trail. JFOC Architects and Ronan MacDiarmuida Landscape Designers have designed the trail and our client will deliver the new Heritage Trail within his site as part of the planning application. This strategy and buffer zone have been agreed with the Department of Culture, Heritage & The Gaeltacht and is reflected in the planning application.



- ARCHAEOLOGICAL BUFFER AREA
NO GROUND DISTURBANCE.
- PRESERVATION ORDER AREA (P.O. 3 of 2007)
- Zone of Sensitive Design

- a - 55m
- b - 22m
- 2 - 60m
- d - 10m
- e - 55m
- f - 97m
- g - 17m

Figure 2: Revised Archaeological Buffer Zones Agreed with DCHG

For further details please refer to See *Appendix N – Correspondence with the DCHG, Icon Archaeology's Kill Heritage Trail* and Ronan Mac Diarmada's drawings enclosed.

Pre – Planning:

A pre-planning meeting was held with Kildare County Council on 17th May 2018. The key topics for discussion were the reasons for refusal of the previous planning application. This was an opportunity to present the proposals for the Heritage Trail to Kildare County Council, who were also able to add further information and suggestions as to the potential to complete the Heritage Trail on the lands outside the control of the applicant.

Pre-Planning Application Opinion from An Bord Pleanála

In the Opinion of An Bord Pleanála dated the 8th October 2018, the following issues were identified to be addressed in the planning application:

1. Infrastructural Constraints
2. Density
3. Unit Mix

These issues have been addressed in the new planning application and are set out in detail in the *Statement of Response to the Notice of Pre-Application Consultation Opinion from An Bord Pleanála*

Statements enclosed:

A number of statements and reports are enclosed with this application, which clearly demonstrate the consistency of the approach with the relevant planning requirements.

- Statement of Consistency with National Guidance on Residential Developments
- Statement of Consistency with Kildare County Council 2016 – 2023 (Volumes 1 and 2)
- Statement of Response to the Opinion from An Bord Pleanála following pre- planning meeting

A full schedule of the drawings and documents encompassing the full design team, prepared in support of this planning application has been included at Appendix A.

Conclusion

We have had extensive engagement over the past 2.5 years with An Bord Pleanála, Kildare County Council and The Department of Culture, Heritage and the Gaeltacht. We present now a sensitive and sustainable proposal that provides a high quality, sustainable and unique place to live along with Heritage Trail as an



amenity to the broader community in Kill.

We look forward to a favourable decision in due course.

Yours sincerely,

A handwritten signature in black ink that reads 'Claire McManus'.

Claire McManus MRIAI

Director

JFOC Architects

ARCHITECTS • PLANNING CONSULTANTS • TECHNOLOGISTS

11a Greenmount House, Harold's Cross, Dublin 6w Tel: + 353 1 453 0277 Fax: + 353 1 453 0280

www.jfocarchitects.com e-mail: info@jfocarchitects.com