

The Draft Kildare County Development Plan  
C/o The Administrative Officer  
Forward Planning  
Áras Chill Dara  
Devoy Park,  
Naas,  
Co. Kildare.



18 May 2022

2813, CKDP 2023-  
2029 Submission

**RE: DRAFT KILDARE COUNTY DEVELOPMENT PLAN 2023-2029  
DEVELOPMENT LAND AT MAGANEY, COUNTY KILDARE**

Dear Sir / Madam,

We refer to the above matter and we wish to advise that we act for Mr. Cyril Condell of [REDACTED] who is the beneficial owner of development land at Maganey, County Kildare. We wish to make a submission to Kildare Co. Council in relation to this land for consideration during its current review of the Kildare County Development Plan 2017-2023.

Specifically, we seek the continued inclusion of part of the above site at Maganey within the formal statutory boundary which surrounds this settlement and for its designation for residential purposes as part of the forthcoming Kildare County Development Plan 2023-2029. The site is currently designated for 'Settlement Expansion' in the Kildare County Development Plan 2017-2023. Planning permission was granted by Kildare Co. Council for four proposed dwellings, P.A. Ref: 19/822 on 30/06/2020. Mr. Condell has expended considerable funds in obtaining this planning approval and was obviously supported by the Planning Authority in his endeavours by its granting of planning permission. He is currently unable to proceed with the development due to various challenges in the construction sector caused by Covid-19 and inflation. The margins for the costs of developing this site versus projected sales are uneconomical at present and are likely to remain so for several years. It is likely that Mr. Condell will need to seek an Extension of Time on the aforementioned planning application, which is unlikely to be successful if its designation is changed during the current review of the Kildare County Development Plan 2017-2023.

The site to which this submission relates is illustrated below. The lands are contained within PRAI Folio KE21837F whose registered owner is the Independent Trustee Company Limited Trustees of IT000302 (Harmony Court, Harmony Row, Dublin 2), the managers of Mr. Condell's self-administered pension fund.

The relevant site is small in area (just 0.8 hectares, or just under 2 acres). As it abuts the existing settlement perimeter, rather than being remotely located in the open countryside, the proposed retention of its designation represents a natural continuation of the existing planning policy for this area, rather than entailing a complete departure from the current Kildare County Development Plan 2017-2023.

Moreover, apart from the fact that maintaining development land in this designated settlement would accord with strategic planning policy, as set out in several government publications, there is an undisputed need for extra residential land in the county and this is especially the case in small rural villages, given the increased reliance on such centres under the emerging settlement strategy. Indeed, this demand for housing land in rural settlements is also likely to rise in the context of planned changes in the rural housing policy which reduce the scope for dwellings in the countryside.

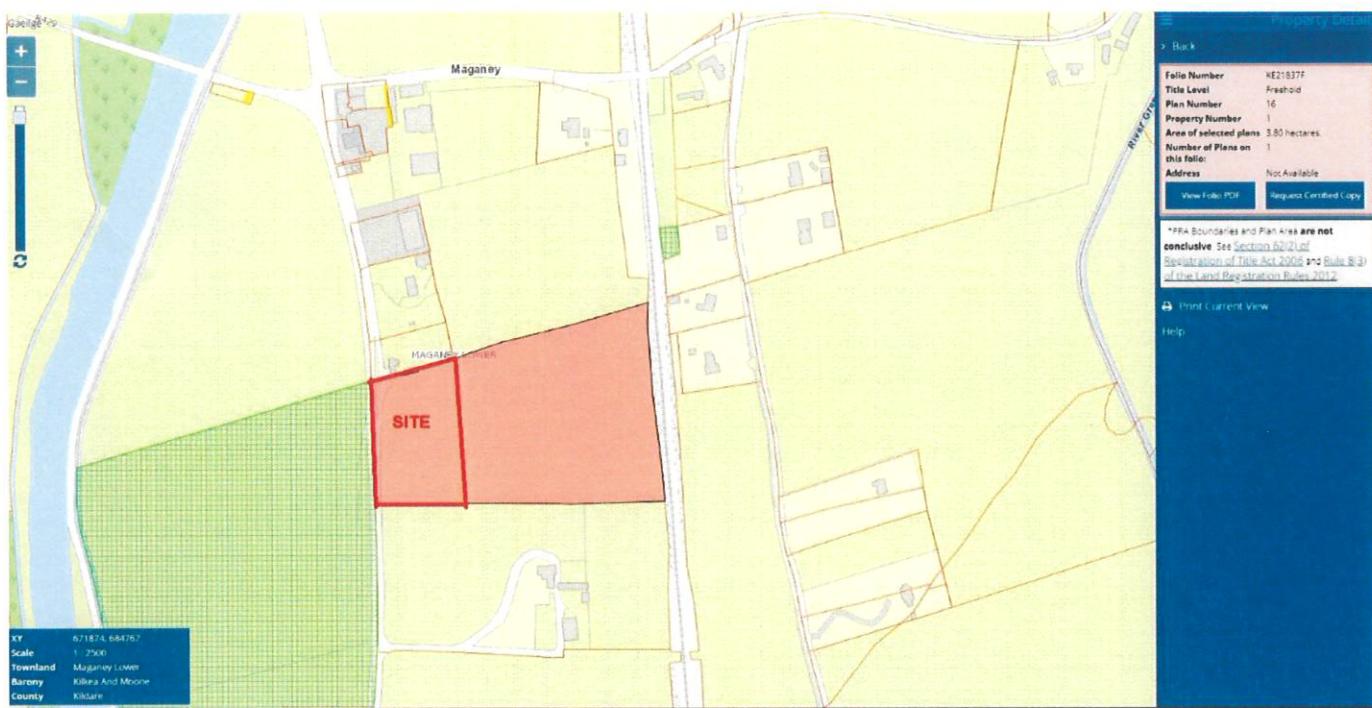
In addition, the site represents the type of serviced site development that Section 3.13.7 of the Draft Co. Kildare Development Plan 2023-2029 is seeking to provide. We attach a copy of the submission made on the Draft Kildare County Development Plan 2017-2023, following which Kildare Co. Council designated the site for residential development. This contains substantial background information that might assist Kildare Co. Council in assessing this submission.

Yours faithfully,

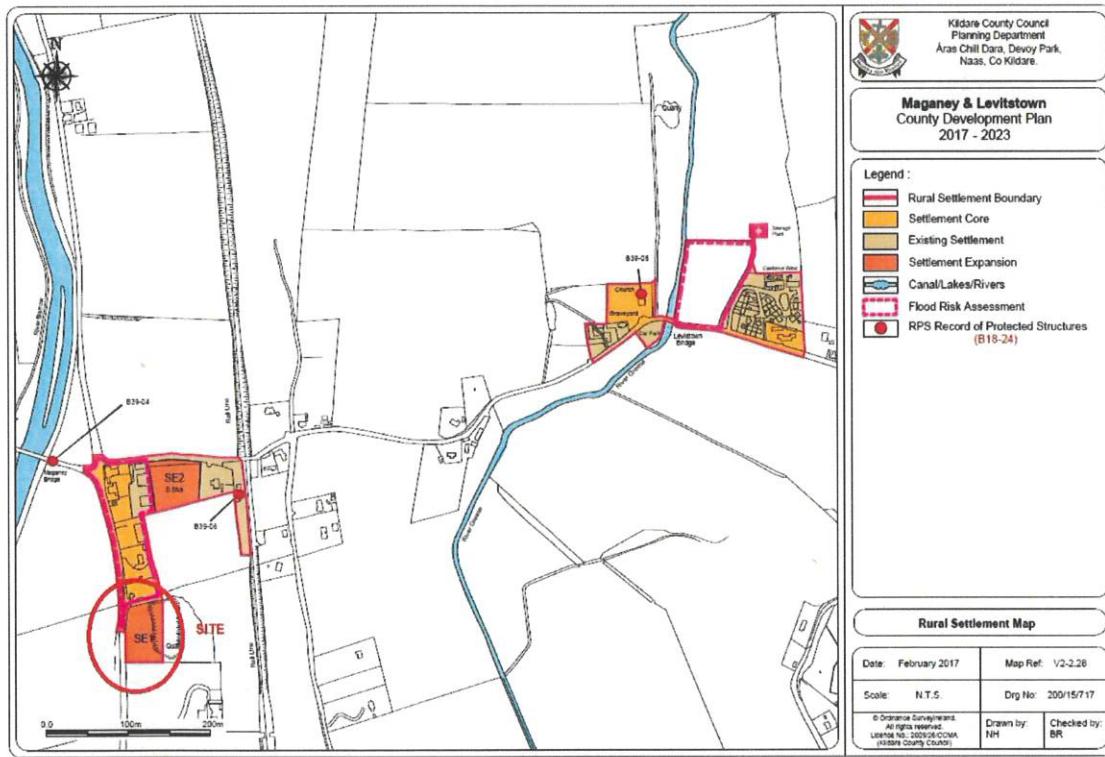


Vivian Cummins

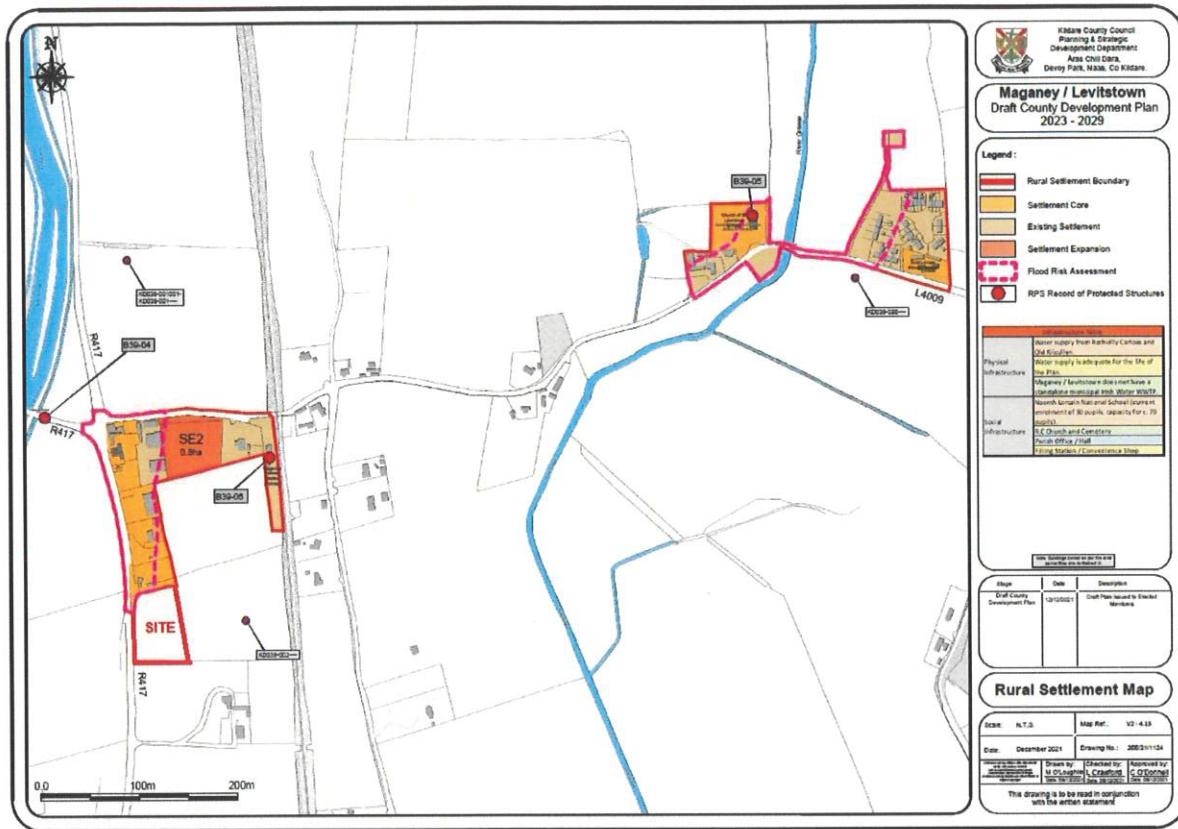
Vivian Cummins B.Arch.(Sc.) MRIAI



PRA Map: KE21837F



Kildare County Development Plan 2017-2023  
 Maganey & Levitstown Rural Settlement Map



# **Kildare County Development Plan 2017-2023**

## **Maganey / Levitstown Rural Settlement Map**

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### BY HAND ON

8 July 2016

Senior Executive Officer  
Kildare County Council  
Aras Chill Dara  
Naas  
Co Kildare

### **KILDARE DRAFT COUNTY DEVELOPMENT PLAN 2017-23 DEVELOPMENT LAND AT MAGANEY COUNTY KILDARE**

Dear Sir

We refer to the above matter and we confirm that we act for Mr. Cyril Condell of [REDACTED] [REDACTED] who owns a tract of potential development land at Maganey, County Kildare

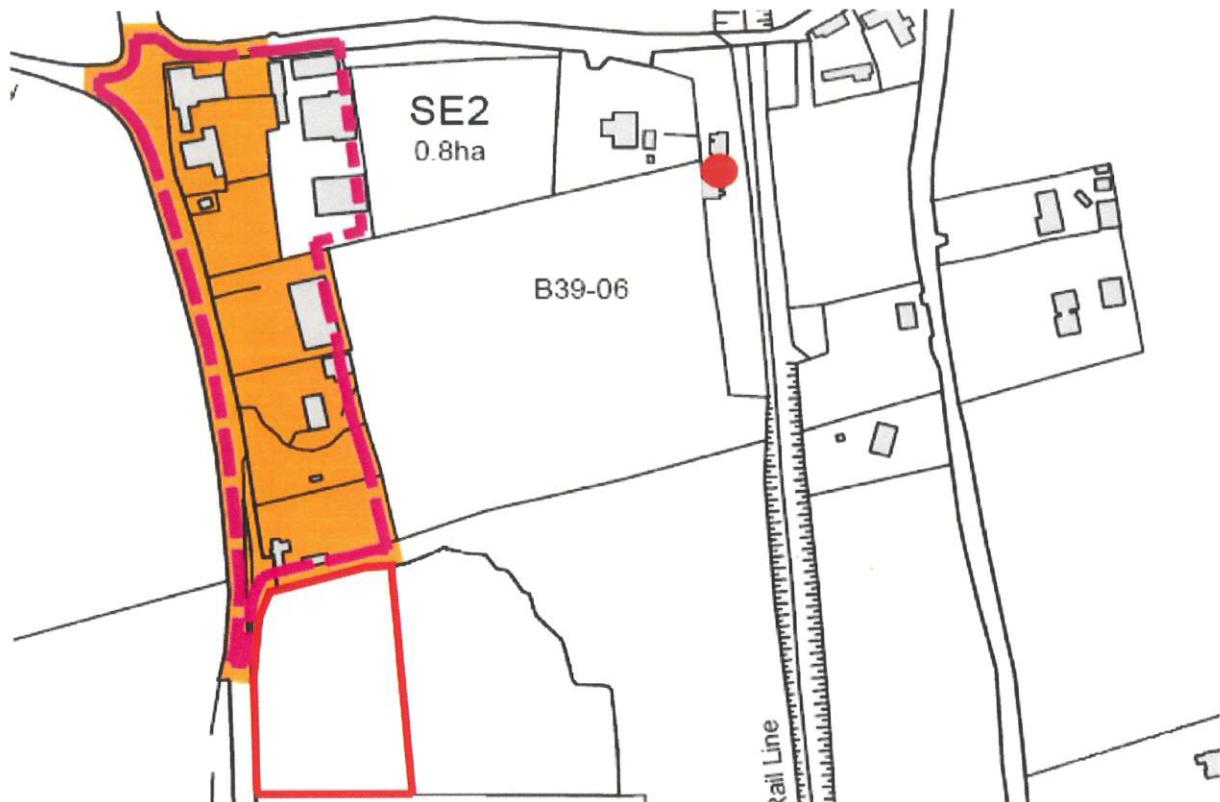
We take this opportunity to make a submission to the County Council in the context of its review of the *Kildare County Development Plan 2011*, the public consultation phase of which is now ongoing.

Specifically, we seek the inclusion of a site at Maganey within the formal statutory boundary which surrounds this settlement and its designation for new residential purposes as part of the forthcoming *Kildare County Development Plan 2017*. The tract to which this report relates is illustrated overleaf.

This property is small in area (just 0.8 hectares, or just under 2 acres) and could probably only accommodate about four dwellings, along with ancillary services and facilities. As it abuts the existing settlement perimeter, rather than being remotely located in the open countryside, the proposed change would represent a natural progression from existing planning policy for this area, rather than entailing a complete departure from the current *Kildare County Development Plan 2011*.

Moreover, apart from the fact that the provision of additional development land in this designated settlement would accord with strategic planning policy, as set out in a number of government publications, there is an undisputed need for extra residential land in the county and this is especially the case in small rural villages, given the increased reliance on such centres under the emerging settlement strategy. Indeed, this demand for housing land in rural settlements is also likely to rise in the context of planned changes in the rural housing policy (such as a requirement that applicants could only erect a house in Zone 2 of the county within 5km of their homestead, rather than within the 8km hinterland which currently applies) which reduce the scope for dwellings in the countryside.

Such pressures are likely to affect different parts of the county disproportionately and although Maganey is positioned within Zone 2, which is defined as a less-developed area relative to northern parts of the county, recent town planning decisions suggest that the area surrounding this particular village cannot accommodate additional housing. There is a clear need for small centres in the south of the county to provide a sufficient quantum of development land to satisfy societal expectations.



We thus respectfully request the Planning Authority to designate the area which is edged in red ink in this image for housing purposes as part of the settlement of Maganey (with the effect of this change on the land-use arrangement being illustrated in Fig. 2(c) on page 13 of the enclosed report).

Importantly, this request is being lodged on the basis that this land would be used to accommodate a small number of serviced sites for members of the local rural community, so that its development in the manner outlined would clearly relieve the open countryside of residential development pressure.

Please contact the undersigned should you have any queries or concerns regarding this submission.

Yours faithfully

**Vincent JP Farry and Co Ltd**

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### **TOWN PLANNING SUBMISSION IN THE CONTEXT OF THE KILDARE DRAFT COUNTY DEVELOPMENT PLAN 2017**

**REPORT PREPARED ON BEHALF OF  
MR. CYRIL CONDELL**

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## 1. Introduction

This report has been drafted on behalf of Cyril Condell and has been prepared for lodgement with the Council, as the statutory planning authority for Co. Kildare, in the context of its review of the *Kildare County Development Plan 2011*. The *Draft County Development Plan* has been placed on public display pursuant to the requirements of planning law and the Planning Authority is currently accepting third party submissions in relation to the emerging policies and objectives for the county.

This report suggests that there is a greater need for residential development land as a matter of generality and submits that this need for additional sites on which new housing can be accommodated is especially desirable outside the main urban centres. For ease of presentation, this report identifies the subject site, summarises existing and forthcoming planning policy and sets out a number of detailed arguments in support of the designation of this property for residential purposes.

## 2. The Site and its Surroundings

The site comprises a regularly-shaped tract of farmland which covers an area of about 0.8 hectares and which forms part of a larger allotment, which is illustrated below. The land is located within Maganey, south of Athy and is nearby the boundaries separating counties Kildare, Laois and Carlow.



**Photograph 1: The site forms part of a larger tract which is used for farming purposes**

Maganey comprises a small rural settlement which contains a low-profile commercial nucleus (petrol filling station, shop, public house and bookmaker's outlet), as well as a loose collection of rural houses and other developments, including a sizeable industrial property, as depicted on page 8.

Although these existing activities are served by Regional Road R417, the subject site is accessed via an agricultural entrance off a slip road (so that this land is not accessed directly off this main road).



**Photographs 2 & 3:** The site is served by an agricultural entrance which fronts onto an existing slip road off Regional Road R417



### 3. National Planning Policy

#### (i) Sustainable Development

*Sustainable Development : A Strategy for Ireland* has provided a policy framework for sustainable development since 1997 and notes the benefits of careful land use planning including:

- efficiency in the use of energy, transport and natural resources;
- promotion of the most effective use of already developed areas;
- the protection and enhancement of the natural environment;
- accommodation of development needs in an environmentally sustainable / sensitive manner.

This document notes at Chapter 14 that :

*'Spatial planning and land use policies, which of necessity, have long time frames, seek to promote orderly development to*

- meet the needs of society for housing, food and materials, economic and social infrastructure, places of work, amenities and recreational facilities;*
- balance competing needs and prevent and minimise adverse impacts of human activities on the environment'.*



**Photograph 4:** Maganey accommodates a low-profile commercial nucleus, with such facilities being close by the subject site

#### (ii) National Spatial Strategy

The *National Spatial Strategy* is a 20 year planning framework designed to achieve a better balance of social, economic and physical development, as well as population growth between regions and sets out the basis on which all areas of the country can reach their potential. It seeks to strengthen the critical mass of the existing gateways of Cork, Limerick / Shannon, Galway and Waterford to complement Dublin's national spatial role and to designate four new national level gateways (Dundalk, Sligo, Letterkenny / Derry and Athlone / Tullamore / Mullingar). Nine strategically located medium sized hubs have also been identified including Cavan, Ennis, Mallow and Kilkenny.

Section 3.5 of the *Strategy* notes the interdependence of urban and rural areas and stresses the need for rural development, so as to counterbalance the strong urban structure outlined in that document and outlines a role for rural areas in achieving more balanced regional development. In 1996 forty-two per cent of the population lived in rural areas (ie. outside settlements with more than 1,500 residents) and the *Strategy* notes (at section 3.5.2) that the proportion of people living in rural areas has been reducing, in line with falling agricultural opportunities. In this regard the *Strategy* warns:

*'If Ireland is to retain a substantial proportion of its population in rural areas, vibrant, living communities and the services they require will need to be supported.'*

Box 3.1 of this policy document classifies rural areas according to their key characteristics with category (1) comprising '*Areas that are Strong*' which are located:

*'mainly in the South and East where agriculture will remain strong but where pressure for development is high and some rural settlements are under stress'.*

The *Strategy* indicates that councils should develop:

*'...spatial frameworks for rural areas, which allow targeting to ensure that the range of development programmes available are co-ordinated to maximise benefits. Examples of these programmes include urban and village renewal schemes, water services infrastructure programmes and measures to strengthen the tourism sector'*

Section 5.3.2 of the *Strategy* ('*Housing Location in Rural Areas*') recognises that there is a long tradition of people living in rural areas within Ireland and states:

*'The Strategy, in seeking to achieve balanced regional development, supports sustainable rural development'.*

### **(iii) Sustainable Rural Housing**

*Sustainable Rural Housing* expands on the *National Spatial Strategy*, by emphasising:

- the importance of renewing established communities in rural towns and the countryside;
- the need to ensure that the planning system guides residential and other development to the right locations in rural areas in the interest of protecting natural assets;
- the need to analyse the different types of economic, social and physical characteristics of rural areas and to tailor planning policies to respond to local circumstances.

The *Guidelines* endorses the *Strategy* and recommends that councils should distinguish between:

- 'Housing needed in rural areas within the established rural community by persons living in rural areas or in nearby urban areas (rural generated housing), and'*
- 'Housing in rural locations sought by persons living and working in urban areas, including second homes (urban generated housing)'.*

The *Guidelines* also expands on the usual approach to the principles of sustainability by including non-physical considerations, stating that sustainable development is more than an environmental concept and acknowledges the role that people living in rural areas have to play in supporting a dynamic rural economy and social structure. Specifically, s1.2 of this document recognises that:

*'In relation to rural housing, sustainable development is, therefore, much more than an environmental concept although it includes that important element. It requires an acknowledgement of the role that people living in both small towns and villages and the wider countryside have to play in supporting a dynamic rural economy and social structure'.*

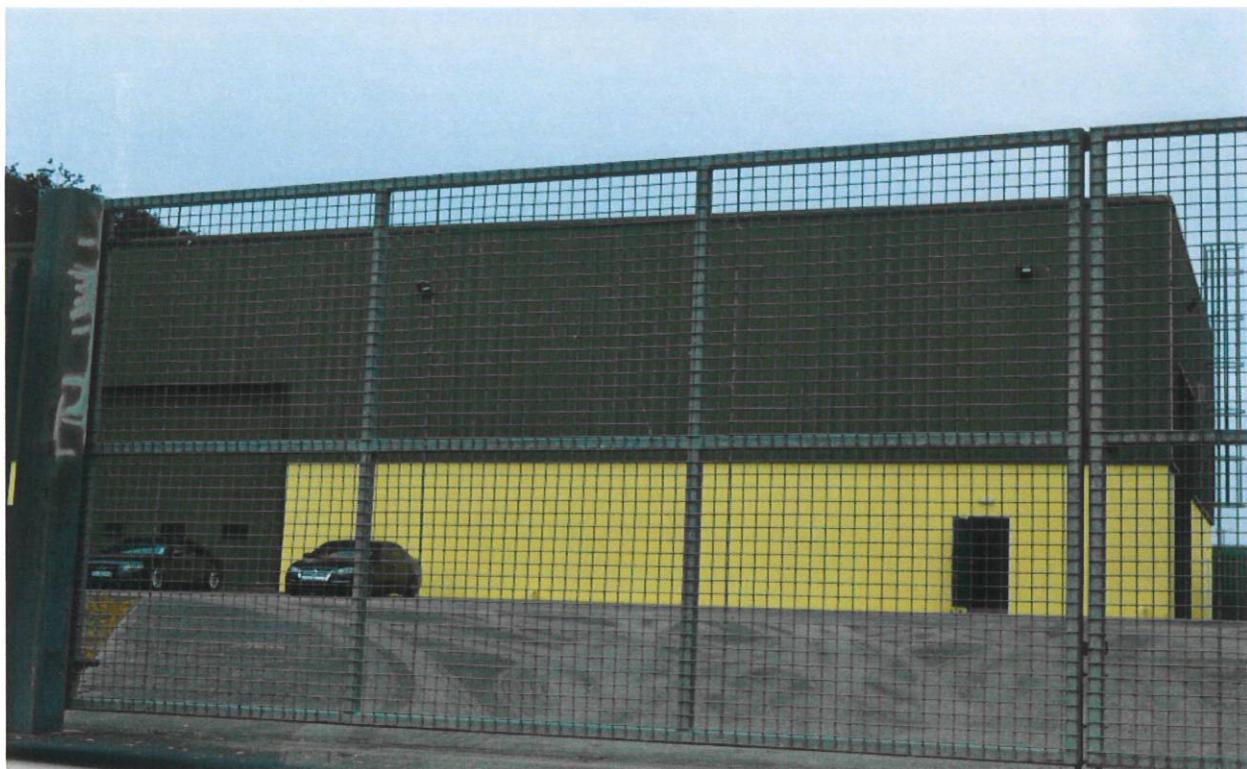
This policy refers specifically to the need for ancillary services and facilities to cater for those preferring to live outside the formal boundaries of towns and villages. For example, s.2.1 seeks to:

*'Ensure that the needs of rural communities are identified in the development plan ...that policies are put in place to ensure that the type and scale of residential...development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated'.*

#### 4. Regional Planning Policy

The *Regional Planning Guidelines* contains population targets for the years 2010, 2016 and 2022, as well as housing allocation targets for different locations, with section 2.1 of this policy stating that '*The central aim of the Strategy is that to support sustainable travel, future population and employment growth will have to predominantly take place in sustainable compact urban areas...*'.

The document, at page 4 thereof, sets out housing targets for local authorities in the area, with Co. Kildare being expected to accommodate 93,748 dwellings by 2016 and 112,477 units by 2022. The *Guidelines* observes (Table 4.2) that, although the population of Co Kildare expanded by 13.7 per cent over the 2002 - 2006 period, this rate was somewhat less than that in the areas governed by Fingal and Meath County Councils (at 22.2 and 21.5 per cent respectively). Notwithstanding this, it sets population targets for the years 2016 and 2022 of 234,422 and 252,640 inhabitants respectively within Co Kildare and, as only 35 per cent of this growth is to be located within the Metropolitan area (Table 7) most future growth is to take place within the central and southern parts of the county.



**Photograph 5: The nucleus of Maganey, beside the site, includes industrial buildings.**

#### 5. Local Planning Policy

##### (i) County Development Plan 2011

###### (a) Core Strategy

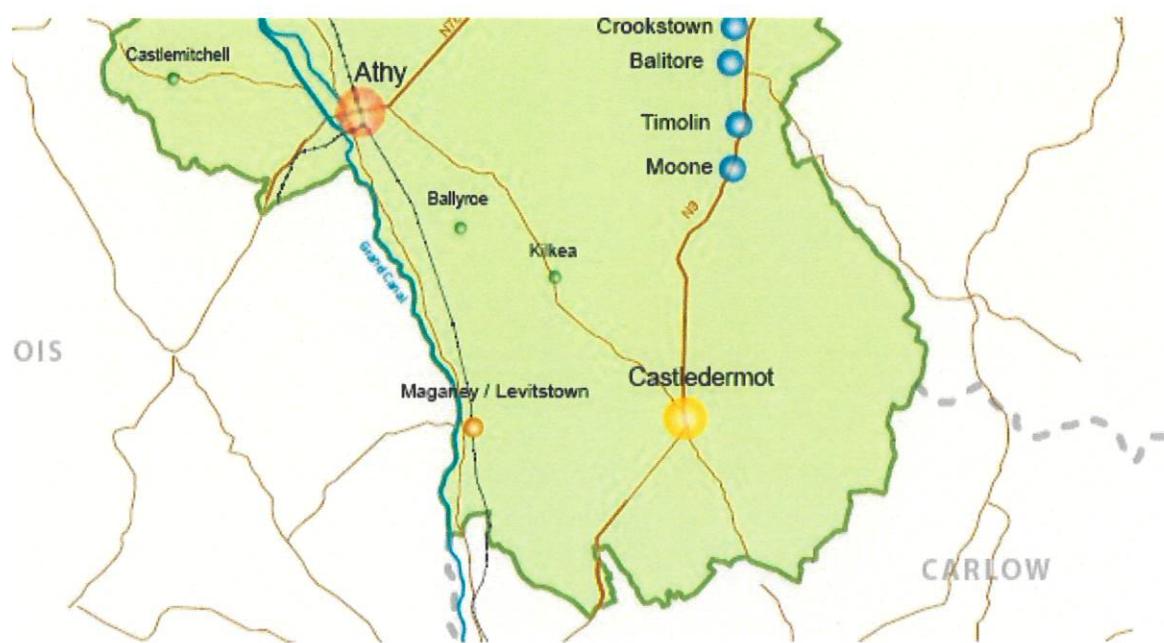
The *Development Plan*, at s. 2.2 seeks to promote the achievement of more sustainable towns through residential and employment opportunities, in line with the *Regional Planning Guidelines*, with section 2.7 thereof (which is entitled '*2.7 Preferred Development Strategy*') stating as follows:

*'The preferred development strategy (see map 2.5) has been informed by the Regional Planning Guidelines (RPGs) and the environmental sensitivities of the county. It is based on building strong urban centres while protecting the rural hinterlands. The focus is on achieving...Critical mass...at key towns and villages...Kildare'*

### **(b) Settlement Strategy**

The Council notes, at section 3.2 of its *Development Plan* that the period between 2002 and 2006 'showed the most rapid rate of population increase over the past 150 years...increasing at an average rate of 5,598 persons per annum...'. Under the current settlement strategy, sixty-five per cent of future residential expansion will be directed into the Hinterland area and under this adopted arrangement, fifty per cent of the total housing requirement is allocated to the main urban centres.

Table 3.1 establishes a housing target of 9,834 new dwellings within the towns of Naas, Newbridge, Kildare, Monasterevin, Athy and Kilcullen by 2017, thereby accommodating approximately 17,995 future residents. Although these centres will play a key role, table 3.1 of the *Development Plan* also designates twenty 'Rural Settlements' including Maganey / Levitstown, as depicted in fig. 1 below:



**Figure 1: Maganey is a designated Rural Settlement in Co. Kildare**

Under the *Development Plan*, these centres are expected to accommodate a population of over 6,000 persons by 2017 and to expand by about 1.6 per cent (although, as no figures are available from the *Census of Population 2006*, it is difficult to identify any base rate for this projected growth level).

### **(ii) Draft County Development Plan**

#### **(a) Settlement Strategy**

The *Draft County Development Plan* notes how the housing targets in the *Regional Planning Guidelines* envisage an increase of 24,110 persons on 2011 levels by 2016 within the county and an increase of 42,328 inhabitants by 2022. Accordingly, the housing allocation for Co. Kildare is 14,954 units by 2016 and an extra 33,683 units by 2022. This *Draft* publication thus indicates that:

*'This leaves a remaining allocation of 31,294 units from January 2016 to the end of 2022, which broadly aligns with the end date of this Plan'.*

The Planning Authority suggests that 20,800 dwellings would be directed into the Hinterland and whilst 60 per cent of these homes would be constructed within towns, 40 per cent would be provided in '*smaller towns, rural settlements & rural housing*'. In this regard whilst s.2.7 of the *Draft County Development Plan* proposes to direct a critical population mass into urban areas it equally envisages:

*'Establishing a hierarchy of smaller rural settlements to develop rural centres capable of providing a range of services and employment to their local populations'.*

The '*Rural Settlements*' identified therein include Maganey / Levitstown and s.3.4.5 thereof states:

*Rural Settlements and Rural Nodes are located throughout the county. It is proposed that settlements will develop as local centres for rural catchments with growth appropriate to cater for local demand. Lower densities will be encouraged in appropriate locations to provide alternatives to one-off rural dwellings in the immediate rural area. Expansion will be controlled to minimise pressure on services, the environment and unsustainable commuting patterns. Rural Settlements have a higher order function than Rural Nodes. Rural Nodes comprise largely unserviced areas with limited social and community infrastructure and will accommodate limited development at a sustainable scale for local demands by way of small scale cluster developments...'.*

The adopted strategy is set out at s. 16.2 of the *Kildare Draft County Development Plan* as follows:

*'The unrestrained growth of single houses in the countryside is recognised as being unsustainable and an environmental threat in terms of water quality, loss of rural amenity and landscape, increased vehicular traffic and loss of habitats. It is therefore a key policy of this Plan to cater for genuine local housing need and channel other housing into rural settlements and nodes thereby sustaining the vitality and viability of these rural communities.*

*The Council recognises that there may be circumstances where rural housing is required and therefore seeks to promote the benefits of grouped or small clusters of housing within existing rural settlements and nodes in order to facilitate a rural housing need. In particular the Council will encourage small scale infill development within settlements and nodes in order to consolidate these existing communities strengthen their role, in order to provide a viable alternative to one-off housing in the open countryside and support small scale local service provision and home based economic activity'.*

### **(b) The Growth of Small Villages**

The Planning Authority indicates that the designated rural settlements collectively contain a population of 2,960 inhabitants in 1950 dwellings (source: *Census of Population 2011*) and contains a '*New Unit Target 2011 - 2023*' of 416 homes. The *Draft County Development Plan* states (s.2.6):

*'The settlement strategy in Chapter 3 of this Plan allocates 1.6% of the overall population growth for the county from 2017-2023 to the 18 designated Rural Settlements (see table 2.7 below). This equates to a 20% growth in population for each Rural Settlement over the period of this Plan. Section 2.4 of this chapter sets out the policies for the development of Rural Settlements'.*

The current and proposed zoning arrangement for Maganey / Levitstown is reproduced overleaf:



**Figure 2(a) The zoning arrangement for Maganey / Levitstown (Development Plan 2011)**

**Figure 2(b) The planned scheme for Maganey/Levitstown (Draft Development Plan 2016)**





**Figure 2(c) The suggested settlement plan for Maganey, following the inclusion of the subject site within its boundary under the County Development Plan 2017**

## 6 Submission

We hereby request that a portion of our client's land be included within the formal boundary which defines the settlement of Maganey and for this small site to be designated for residential purposes, as indicated in Fig. 2(c) above. We take this opportunity to advance a six-fold submission in favour of so doing and we invite the Council to take these factors into consideration in its plan-review process.

### (i) Compliance with Strategic Planning Objectives

We submit that the *National Spatial Strategy* and *Sustainable Rural Housing Guidelines* seek to promote dwellings in rural villages as a matter of overall planning principle, partly to continue a well-established building pattern and partly so that the needs of rural communities can be catered for. Although these government policies allow new housing in the open countryside for certain classes of candidate, it is frequently preferable for many eligible applicants to construct dwellings within an existing settlement, for a multiplicity of visual, technical and functional issues which chiefly relate to the principles of sustainability. It is therefore for these reasons that national planning policy advises that local authorities should adopt the measures necessary to facilitate such forms of development.

Although the *Regional Planning Guidelines 2010*, together with the text of its two predecessors, seeks to promote new dwellings in rural villages within the Greater Dublin Area, especially where such accommodation would satisfy a local demand for housing which might otherwise be built in the open countryside, it is difficult to conclude that the policies which Kildare County Council has pursued for the settlement of Maganey fulfils the expectations of regional planning policy. Notwithstanding the fact that the past five years have witnessed an unprecedented decline in construction activity, a number of new houses have been permitted within the hinterland of this village over the past decade or so and we are unaware of any reason as to why these dwellings could not have been constructed within Maganey itself, rather than in the open countryside of Co. Kildare.



**Photograph 6:** **The provision of extra housing land in Maganey would serve as an alternative location for dwellings which might otherwise be built in the countryside (such as that under reg. 04/1588, just outside this settlement).**

#### **(ii) The Need for Extra Residential Land**

We have already highlighted the fact that the *Draft County Development Plan* is expected to make provision for an extra 31,294 units by the year 2022, with just under one-half of these dwellings being directed into smaller settlements within the Hinterland. Thus, although the adopted strategy requires such centres, including villages, to play an increasing role in the provision of housing, a comparison between the images set out in fig. 2(a) and in fig. 2(b) above would tend to suggest that the Council proposes to reduce, rather than increase, the quantum of development land in Maganey.

It is somewhat axiomatic that the success of the emerging residential policy, specifically in terms of its reliance on smaller rural settlements, is largely dependent on the availability of development land in the villages of the county and it is our considered opinion that inadequate opportunities for new housing would exist in Maganey under the proposed arrangements. Furthermore, to the degree that this particular node is linked with Levitstown, we observe the Planning Authority's reliance on a tract of potentially floodprone land in this latter settlement and it would be premature to opine that these villages could, if considered together, provide a supply of much-needed rural accommodation.

#### **(iii) The Function of Rural Settlements**

Rural Settlements within Co. Kildare (including Maganey / Levitstown) and throughout the Greater Dublin Area, have historically been intended to develop as local centres which can cater for rural housing demand, especially where new dwellings constructed therein would act as an alternative to one-off dwellings in the open countryside. Under s. 16.2 of the *Draft County Development Plan*, it is 'a key policy' to cater for local needs in such settlements and in doing so, the emerging strategy envisages a greater role for rural nodes and villages than the current *County Development Plan 2011*.

However, the planned reduction in the quantum of development land in Maganey would clearly thwart the ability of this settlement to satisfy such strategic objectives. This is especially the case given that much land within the designated boundary which surrounds the node has been developed.

#### **(iv) The Availability of Development Land**

In this regard, we submit that much of the land which falls within the designated boundary surrounding Maganey already accommodates sizeable structures, of a type which are unlikely to be demolished as part of any overall redevelopment proposal (including the petrol filling station, the forecourt retail outlet and the separate factory premises which are illustrated in photograph nos. 4 and 5, on p. 6 and 8, above). It would thus be unsafe for the Planning Authority to base its conclusions as to the capacity of lands within Maganey on the area of these tracts alone and without considering the likelihood of such sites coming forward for redevelopment purposes. In essence, the land which has been designated for village-growth purposes already accommodates existing structures and uses and is unlikely to accommodate new buildings over the lifespan of the new *Plan*.



**Aerial Image No. 1: Land within the formal boundary defining Maganey is already developed and offers little prospect for village-growth purposes.**

#### **(v) Proximity to the Settlement Core**

This tract is not remotely located but instead abuts the southernmost perimeter of Maganey, as shown in the existing *Development Plan 2011* and as illustrated on maps which accompany the *Draft County Development Plan*. Especially as the site abuts existing development, as depicted overleaf, it is our view that the dedication of this land for housing purposes (in the manner currently suggested) wholly accords with the natural expansion of this settlement and represents the continuation of existing planning policy for this area. Indeed, as the Council will be aware, the speed limit of small settlements has historically been used when defining the development boundary which surrounds such villages and we note how, in this context, the site is within the 60 kp/h. restriction in Maganey.



**Photograph 7      Older-style residential development within the designated boundary surrounding Maganey, abut the northern perimeter of the subject site.**

**(vi)      The Sensitivity of the Surrounding Terrain**

As observed, a key function of rural settlements is to absorb dwellings which would otherwise be built in the outlying countryside and the capacity of such existing centres to accommodate such housing is directly linked to the sensitivity of the rural hinterland (so that there is a greater need to provide sufficient residential land in settlements which are situated in environmentally sensitive areas, or which are otherwise positioned in locations which cannot contain new built development).

In this particular regard, we note how An Bord Pleanála, in appeal reference no. PL 09.246026 recently denied consent for a development at Johnstown South, Maganey, Co. Kildare for two reasons, the first of which opposed that proposal on the basis, *inter alia*, that the new dwellinghouse would militate against '*the preservation of the rural environment*' and '*reduce the sustainable use of the landholding at this location for agricultural purposes*', with its second objection opining that the proposed building '*would seriously injure the visual amenity of this rural area*' and which would also '*set an undesirable precedent for other such prominently located development in the vicinity*'.

There is, in our respectful submission, a *bona fide* demand for new housing in this part of rural Co. Kildare which cannot satisfactorily be accommodated in the open countryside and we consider that additional residential land is thus needed within the settlement of Maganey in order to satisfy this clear need, in a manner which accords with national planning policy and indeed, with the objectives espoused in the *Kildare County Development Plan* and in the *Draft County Development Plan 2016*.

Indeed, as depicted overleaf, this site is well-screened and, apart from being served by a link road (thus avoiding the need for an entrance onto Regional Road R417), any dwellings built thereon would not adversely affect amenity (in the manner which concerned the Board in this previous case).

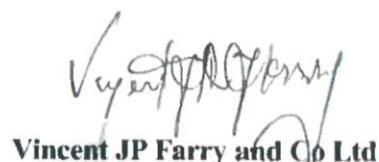


**Photograph 8:** **The land is extremely well-screened and could accommodate new housing without adversely affecting visual amenity in this rural area.**

Indeed, we submit that the development of the subject site for housing purposes has comparative advantages over other land in this settlement and we draw attention to the access difficulties associated with the land which is headed 'SE2' on the *Draft County Development Plan* map for Maganey (reproduced as Fig 2 above). This site has two particular constraints comprising a curve in the alignment of Local Road L4009 and a dense row of mature trees along its roadside boundary, with such characteristics combining to greatly restrict forward visibility along this latter carriageway. In our view, safe access to this site could only be provided through the felling of trees or the re-alignment of this road and we note how the subject land does not exhibit such planning restrictions.

## 7. Concluding Comments

This submission simply seeks the inclusion of a small tract of land, which covers just 0.8 hectares, within the formal boundary which surrounds Maganey and for the designation of this site for village expansion purposes, specifically for local housing development. Given the juxtaposition of this site with the settlement core and given its proximity to existing housing and other commercial activities, the proposed change in policy is reasonable and indeed, accords with current objectives for this area.



**Vincent JP Farry and Co Ltd**