

<b>DM</b>	<b>DAVID MULCAHY</b>
	<b>PLANNING CONSULTANTS LTD</b>
	67 The Old Mill Race, Athgarvan, Co. Kildare
	PH: 045 405030/086 350 44 71 E-mail: <a href="mailto:david@planningconsultant.ie">david@planningconsultant.ie</a> <a href="http://www.planningconsultant.ie">www.planningconsultant.ie</a>
Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy	

## SUBMISSION

to

**DRAFT KILDARE COUNTY DEVELOPMENT PLAN 2023-2029**

concerning lands at

**TIPPERSTOWN, ARDCLOUGH, CO. KILDARE**

Client: Jim and John Moran

22<sup>nd</sup> May 2022

## EXECUTIVE SUMMARY

David Mulcahy Planning Consultants Ltd, have been instructed by **Jim and John Moran** to prepare a submission to the draft Kildare County Development Plan 2023-29 concerning lands measuring **c.8.56 hectares** at Tipperstown, Ardlough, Co. Kildare.

The lands in question are owned entirely by Jim and John Moran in a single landholding.

At present the subject lands are greenfield in nature and not included in the Ardclough Rural Settlement under the dKCDP 2017-23. The draft Plan 2023-29 shows no change despite the site being centrally located in the village.

This submission will demonstrate to the Council that the subject lands should be designated for **Serviced Sites** in their entirety.

In addition to providing much needed housing, planning gain will be achieved in the form of **additional playing fields for Ardclough GAA Club** and enhanced public footpath to the north, with lighting.

## 1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd, have been instructed by Jim and John Moran to prepare a submission to the draft Kildare County Development Plan 2023-29 concerning lands measuring c.8.56 hectares at Tipperstown, Ardlough, Co. Kildare.

At present the subject lands are greenfield in nature are not in the Ardclough Rural Settlement Boundary under the dKCDP 2017-23. The draft Plan 2023-29 shows no change despite the site being centrally located in the village.

This submission will demonstrate to the Council that the subject lands should be designated for **Serviced Sites** in their entirety.

Note: All maps are orientated due north.

## 2.0 CONTEXT

### 2.1 Location

The subject lands are centrally located in the village of Ardclough, directly opposite Ardclough GAA Club, adjacent to the Grand Canal - see Fig. No.1 below.



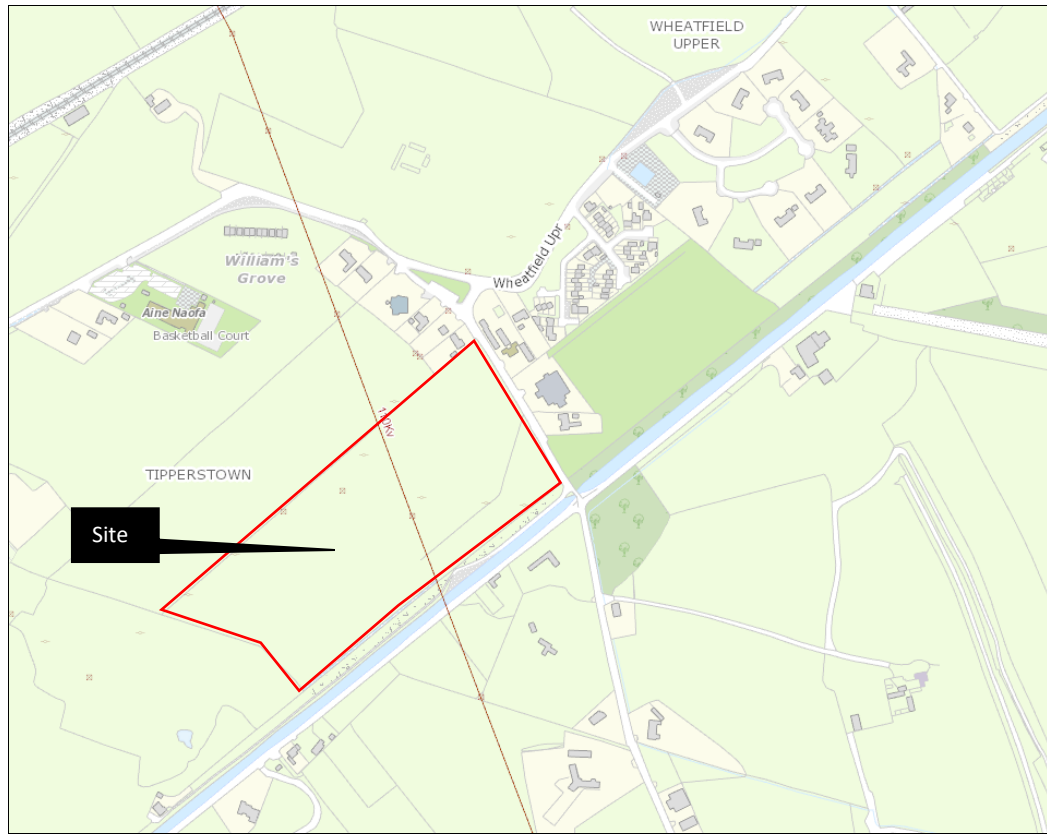
**Fig No. 1** Site Location Map (source: Myplan.ie - OSI Licence No.EN 0080915).

### 2.2 Description

The subject site<sup>1</sup> measures c8.56 hectares and is greenfield in nature. The site is enclosed by mature hedgerow and there are some mature hedgerows within the site. There are overhead wires crossing the site.

<sup>1</sup> Folio ref: folio KE29213F (8.56 Ha)

Access to the site is currently via an agricultural access from the family farm via a field to the north.



**Fig No: 2** Map showing the subject site (source: Myplan.ie - OSI Licence No.EN 0080915).





**Fig No: 3** Satellite image showing subject site (source: Google Earth Pro, March 2018).



**Fig No.4** View of site from L2008 opposite Ardclough GAA club.



**Fig No.5** View of site from L2008 at southern end.

### **2.3 Adjoining Land Uses**

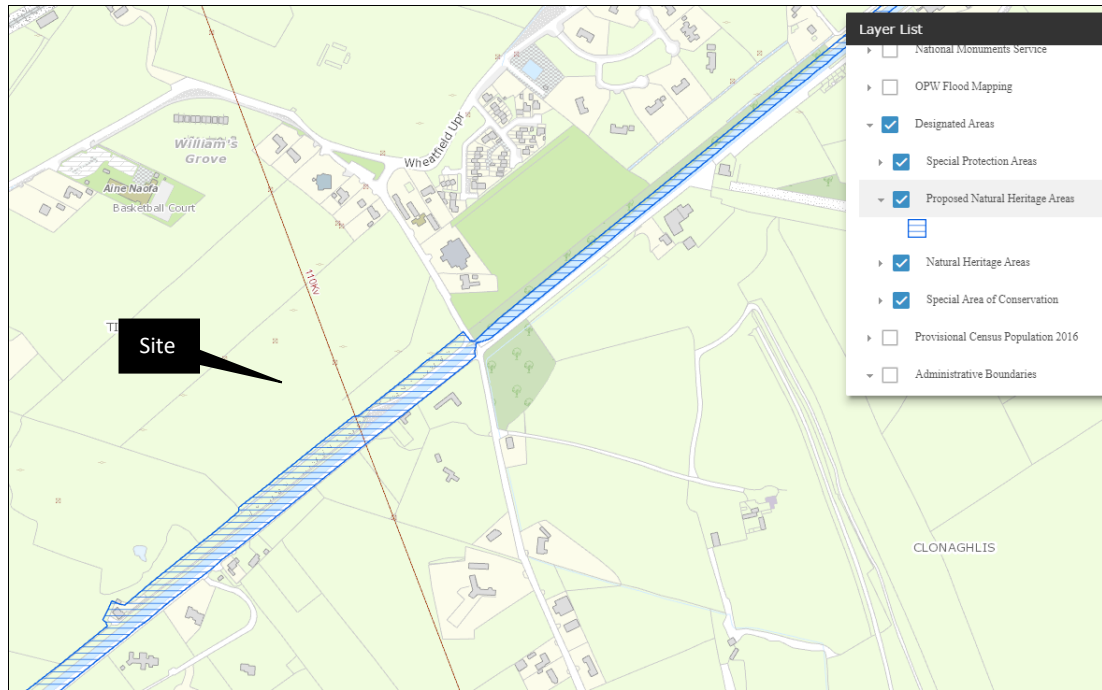
North	Agricultural field
South	Strip of tree covered land between the site and the path along the north side of the Grand Canal.
East	Public Road - L2008 - no footpath, but public lighting in situ. Within the posted 50kph posted speed limit.
West	Agricultural field

### **2.4 Archaeology**

The Historic Environment Viewer is an on-line digital service provided by the Department of Culture, Heritage and the Gaeltacht providing databases of the National Monuments Service Sites and Monuments Record (SMR) and the National Inventory of Architectural Heritage (NIAH). It shows **no recorded monuments** associated with the subject lands. **Henry Bridge** over the Canal is on the NIAH. It is also a **Protected Structure Ref. B15-12**.

## 2.5 Ecology

The Grand Canal and associated pathway to the south of the site are designated as a Proposed Natural Heritage Area.



**Fig No.6** Extract from MyPlan.ie showing the lands to the south designated as a proposed NHA.

## 2.6 Flood Risk

A review of floodinfo.ie mapping does not show any flood risk associated with the subject lands.

## 2.7 Ardclough

The village of Ardclough is located in the north of County Kildare near the border with County Dublin, in a distinctly rural area between the Grand Canal and the Cork-Dublin rail line. It is close to Celbridge, Straffan in County Kildare and Newcastle in South Dublin.



The village comprises of a centrally located Church, shop, community centre and GAA club with surrounding dwellings. There is a recently built 16 class room primary school (school Aine Naofa) located to the west of the village. It is understood that this school has significant capacity for additional pupils. A survey carried out by Kildare Co. Co. Planning Department in 2015 recorded a population of 153 persons within the village

The village benefits from close location to high quality public transport nodes and proximity to a national transport corridor. It is situated 3.8 kilometers from the train station in Hazelhatch (which will be electrified within the lifetime of the plan (by 2022), 4.6 kilometers from the N7 and 14 kilometres from the LUAS in Citywest.

## 3.0 PLANNING HISTORY

### 3.1 Subject Lands

A review of the Kildare County Council on-line planning enquiry system revealed **no relevant planning applications** associated with the subject site.

FILE NUMBER 02/171

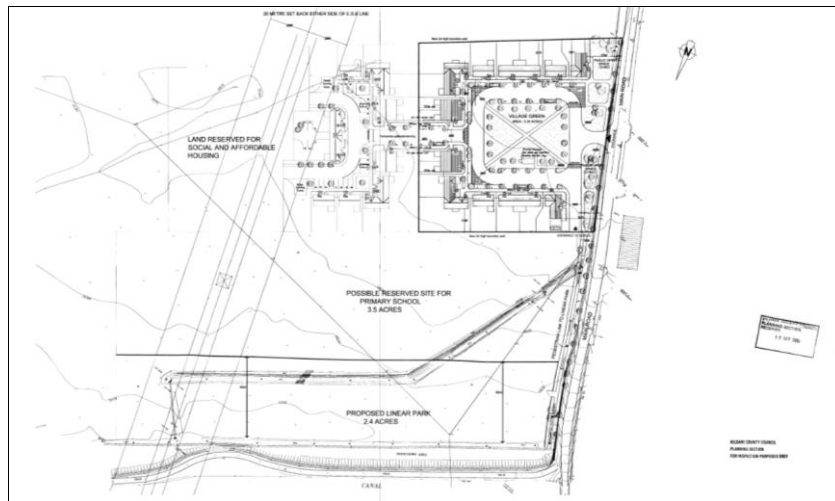
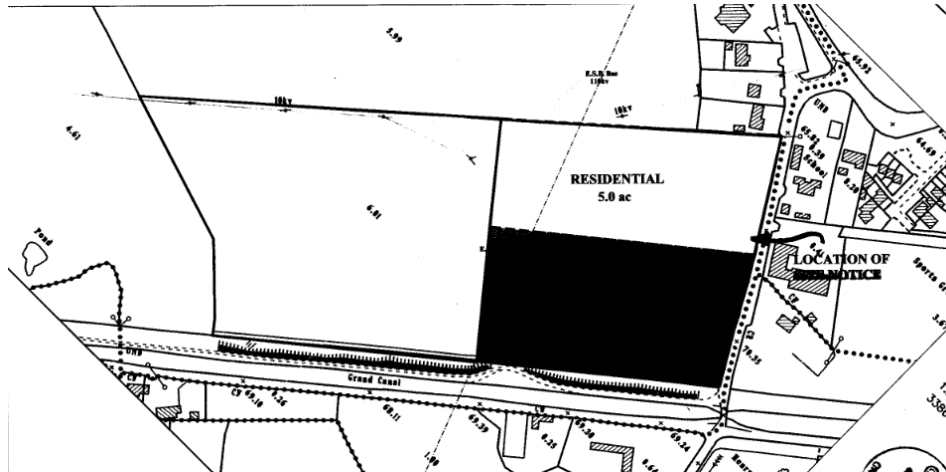
APPLICANT J Moran

YEAR 2002

DECISION REFUSE

DESCRIPTION 30 no. two storey semi-detached village style houses and development of a .97Ha (2.4 Ac) linear park alongside Grand Canal, all at 3.0Ha (7.4Ac) site.

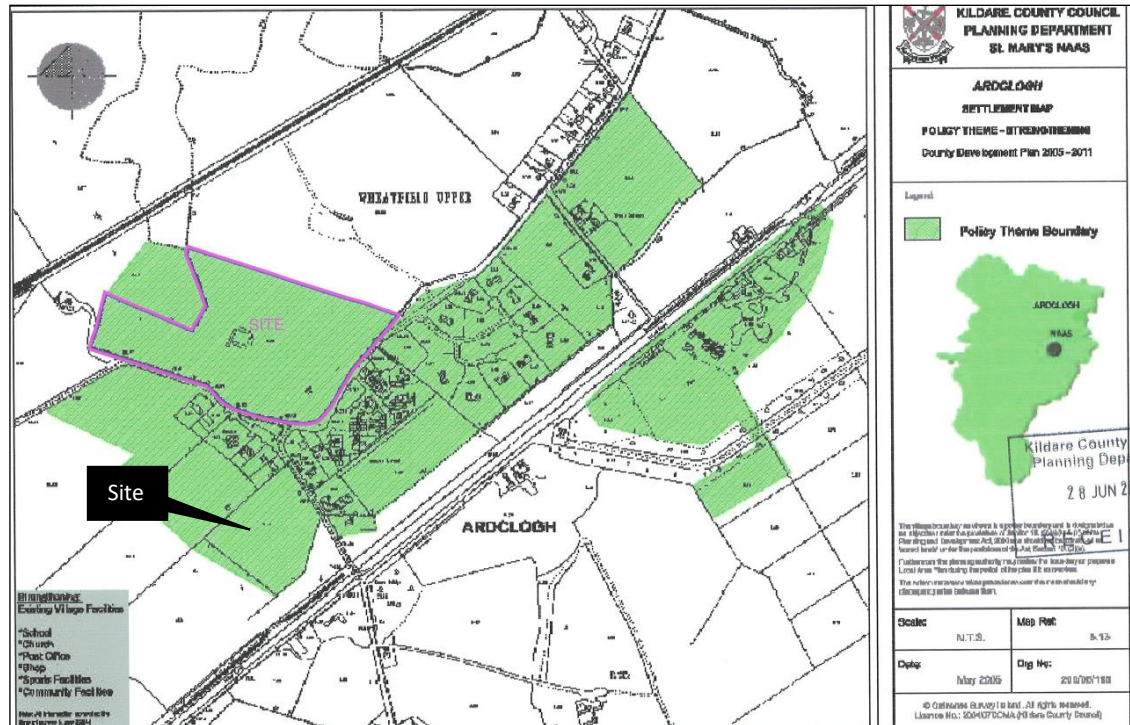
The site was not zoned at the time and deemed primarily agricultural.



**Fig No.7** Extract of site location map and site layout plan at further information stage.

### 3.2 Kildare County Development Plan 2005 – 2011

It is noted that **a significant portion of the subject lands were included in the boundary of the Policy Theme Area** (equivalent of current Rural Settlement Boundary) for Ardcloagh under the KCDP 2005 - 11. Clearly the lands were deemed suitable for future development under this Plan.



**Fig No.8** Location of subject lands within the Policy Theme Area for Ardclough, KCDP 2005-11.

## 4.0 PLANNING CONTEXT

### 4.1 National Framework Plan 2040

The NPF is based on a projection of a 5.7 million people population by 2040 which is used as a benchmark against which the strategy is placed. This benchmark provides for one million additional people, 660,000 additional jobs and 550,000 new homes by 2040 (or **25,000 houses to be built each year**).

50% of the national population growth should happen in the Eastern and Midlands (EMRA) Region and 50% of this population growth should happen within

the City of Dublin and its suburbs. This represents significant housing growth in the EMRA Region up to 2040 which includes Co. Kildare.

National Policy Objective 11

*In meeting urban development requirements, there will be a **presumption in favour of development that can encourage more people** and generate more jobs and activity **within existing cities, towns and villages**, subject to development meeting appropriate planning standards and achieving targeted growth – emphasis added.*

National Policy Objective 18b

*Develop a programme for 'new homes in small towns and villages' with local authorities, public infrastructure agencies such as Irish Water and local communities to **provide serviced sites** with appropriate infrastructure **to attract people to build their own homes and live in small towns and villages.***

## **4.2 Housing For All - a New Housing Plan for Ireland, 2021**

On the 3rd September 2021 the government unveiled the Housing for All - a New Housing Plan for Ireland. The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

It is estimated that Ireland will need an average of 33,000 new homes to be provided each year from 2021 to 2030.

The policy has four pathways to achieving housing for all:

1. supporting home ownership and increasing affordability
2. eradicating homelessness, increasing social housing delivery and supporting social inclusion
3. **increasing new housing supply**
4. addressing vacancy and efficient use of existing stock

### 4.3 ERSI: Regional demographics and structural housing demand at a county level

On 14<sup>th</sup> December 2020 the ESRI published a new report, funded by the Department of Housing, Local Heritage and Government, which provides estimates of the amount of housing needed based on projected population growth at a local authority level out to 2040.

The report estimates future housing demand, based on the number of new households formed. In the 'business as usual' scenario around **28,000 new houses per annum** over the medium term just to keep up with the demand generated by population growth. In a high international migration scenario, that figure would be closer to **33,000 new houses a year**, whereas in the low migration scenario the figure would be above 26,000 a year.

The report notes that at a regional level, in the baseline scenario, the Eastern<sup>2</sup> and Midlands region is expected to experience the fastest population growth and to capture the majority (55.6 per cent or 514,000 people) of the total expected population growth over the 2016 to 2040 period:- *"Within this region, Dublin is expected to continue have the highest population share, although the Mid-East region, the area surrounding Dublin, is likely to experience the fastest population growth".*

Relative to their population shares, the research expects *"higher levels of housing demand in Dún Laoghaire-Rathdown, Cork City, Meath and **Kildare** and relatively lower levels of demand in Mayo and Fingal"* - bold text emphasised.

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<sup>2</sup> County Kildare is located in the Eastern Region.



#### 4.4 Sustainable Urban Residential Development Guidelines, 2009

The Guidelines advise that villages are defined as those with a population ranging from 400 to 5,000 persons. The Guidelines advise for these villages that:

- *Development of acceptable "green-field" sites at suitable locations within the immediate environs of the small town is encouraged.*
- *Increased densities of development can be acceptable as long as they contribute to the enhancement of town or village form by reinforcing the street pattern or assisting in the redevelopment of **backlands**. In all cases, special care will be required to protect the architectural and environmental qualities of small towns and villages of special character.*
- *In some limited circumstances, notably where pressure for development of single homes in rural areas is high, proposals for **lower densities** of development may be considered acceptable at locations on serviced land within the environs of the town or village in order **to offer people, who would otherwise seek to develop a house in an unserviced rural area**, the option to develop in a small town or village where services are available and within walking and cycling distance.*

In relation to Development within Smaller Towns and **Villages** Circular letter **NRUP 02/2021** points out that the Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, DEHLG (2009) cautions against large scale, rapid development that may overwhelm and detract from the quintessential character of towns and villages that have developed slowly and organically over time, and furthermore, clarifies that there is **already clear scope for greater variation in density in smaller towns**, but that this should not lead to provision for disproportionate development in such places through excessive zoning.

#### **4.5 Regional Spatial and Economic Strategy for the Eastern and Midland Region, ('RSES') 2019**

At its core, the RSES sets out a settlement and economic growth strategy that seeks to ensure that the needs of the Regions' citizens such as access to employment opportunities and services, ease of travel and overall well-being are met.

County Kildare is located in the Eastern Region.

The following elements of the RSES are considered relevant:

Settlement Strategy - Small towns, villages and rural areas

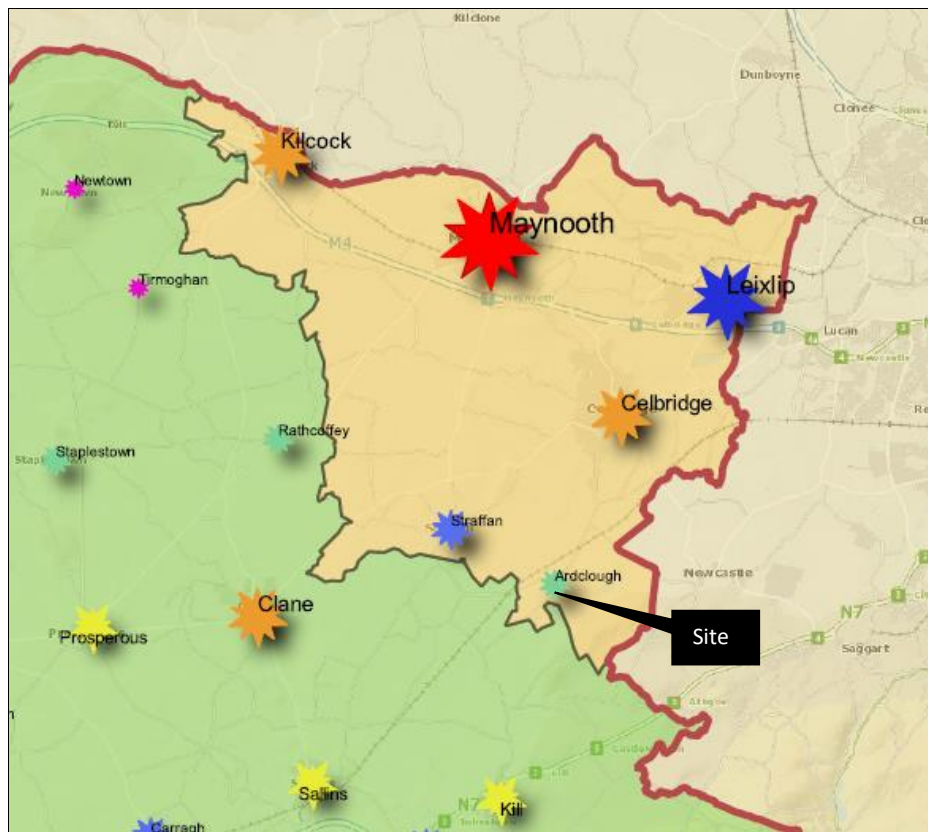
*Support the sustainable growth of rural areas by promoting the regeneration and revitalisation of rural towns and villages coupled with investment where required to support local employment and services and targeted rural housing policies to be determined by local authorities.*

Regional Strategic Outcome: Compact growth and Urban regeneration

*Promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens (NSO 1).*



The village of Ardclough is the only Rural Settlement in County Kildare within the Metropolitan Area of the Greater Dublin Area.

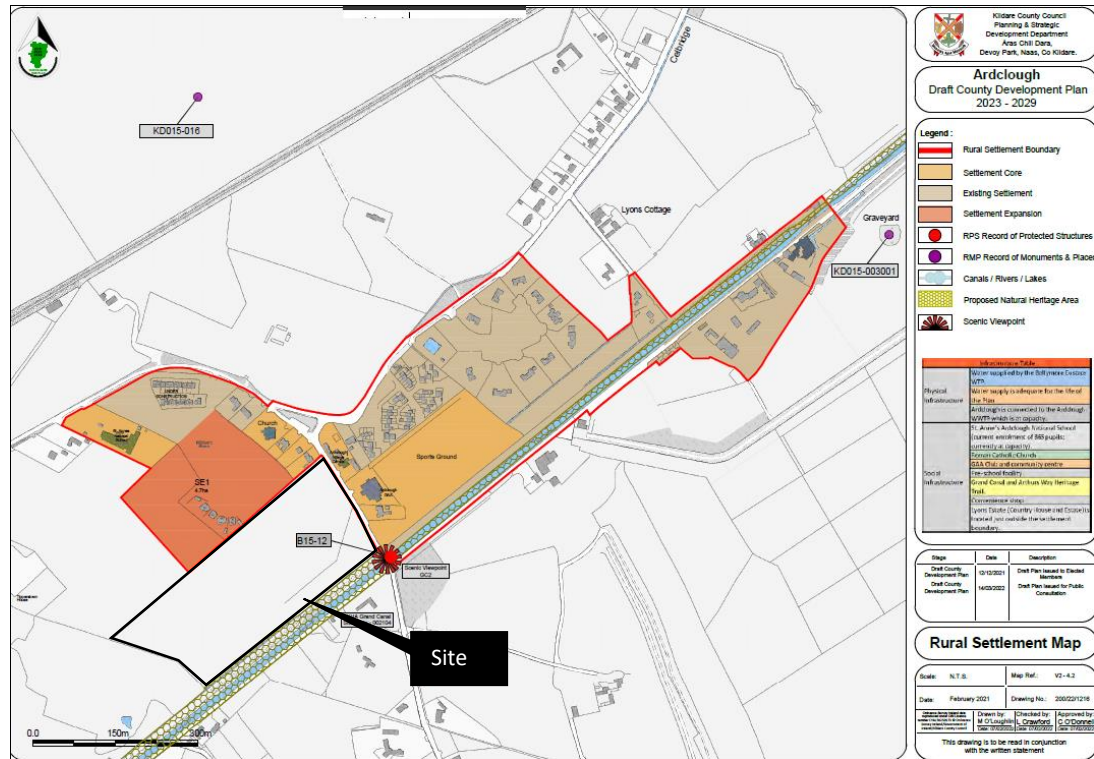


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## 5.2 Designation

Under the draft KCDP the site remains outside the village plan boundary and is therefore deemed primarily agricultural.



**Fig No.11** Ardclough Rural Settlement Map in the dKCDP 2023-29 (identified in black outline) showing the site to outside the village plan boundary.

## 5.3 Serviced Sites

The dKCDP 2023-29 notes the following:

### Sustainable alternative to One Off Housing

Section 3.13.7 of the draft CDP deals with 'Providing a sustainable alternative to One Off Housing'

It states that it is ***"a priority of this plan"*** to put the policy provisions in place to implement this objective, by providing a **model for serviced sites** in established



communities, as a sustainable alternative to one of housing in the open countryside. It is envisaged that the establishment of a “**County Kildare Serviced Sites Initiative**” will attract new residents in to live in our villages and sustain the communities and economies of these areas.

#### Policies

It is the policy of the Council to:

HO P22 **Promote and facilitate the provision of sustainable alternatives to one off housing** through the designation of lands specifically for serviced sites across a series of villages and rural settlements in County Kildare.

HO P23 *notes that no development shall take place on sites designated “Serviced Sites” until such time as the KCC Serviced Sites Initiative Scheme is agreed by the Elected Members of Kildare County Council.*

**HO O55** seeks to ensure that that the development of any serviced sites;

- Adequately addresses infrastructural requirements, including water, wastewater and surface water drainage as well as footpaths and lighting which shall link with the respective town/village/rural settlement
- Provide for small scale housing developments (no more than 10 units per hectare)
- Include a Design Statement for the overall site to inform the design, mix and type of the proposed dwellings
- Include a clear timeframe for the delivery of the required infrastructure to service the development proposed

HO A8 Prepare a Kildare County Council Serviced Sites Scheme Policy Document to guide the development of serviced sites, no later than 6 months after the adoption of this Plan.

**No land has been allocated for Serviced Sites in Ardclough** unlike other Rural Settlements around the county - despite the fact that is located within an area

that is under pressure for one-off housing and where viable alternatives are required.

## **6.0 SUBMISSION**

### **6.1 Introduction**

The planning status of the site can be summarised as follows:

- National and regional planning strategies promote compact urban settlements with an emphasis on developing lands close to town centres for residential development.
- The site is located in Ardclough within the village centre.
- The site is outside the Rural Settlement Boundary for Ardclough under the dKCDP 2017-23 and again under the dKCDP 2023-29.
- There are no known built or natural heritage constraints associated with the land or flood risk.
- The site is within the 50kph posted speed limit.
- No lands in Ardclough Rural Settlement have been identified for Serviced Site in the draft Plan, unlike other rural settlements around the county, despite a high level of pressure for one-off houses in the surrounding hinterland,

## 6.2 Submission

### 6.2.1 Aim

This submission seeks for the subject lands to be zoned for **Serviced Sites**.

This would involve expanding the rural settlement boundary; however this has been done elsewhere under the dKCDP 2023-29 and is not considered to be prohibitive.

Our client has also indicated that he is happy to facilitate Ardclough GAA in terms of their need for additional playing facilities and as such is open to part of the site at the rear being designated for Open Space and Amenity.



**Fig no.12** Proposed land use designations for Ardclough Rural Settlement Area.

### 6.2.2 Rationale

There are **no lands zoned for Serviced Sites in Ardclough** in the draft KCDP, unlike other villages around the county, despite significant pressure for one-off housing in the wider hinterland area, particularly as Ardclough is in the Metropolitan area. The subject site presents as an **ideal location** for such sites given its central location within the village in an area which is likely to prove very attractive to rural persons looking to build in a rural setting.

### 6.2.3 Potential Constraints

The Protected Structure status of Henry Bridge and the pNHA associated with the Grand Canal to the south are not considered to be a fundamental obstacle to the designation of the site for Serviced Sites.

### 6.2.4 Vehicular Access

The residential units would be accessed via the L2008.

### 6.2.5 Planning Gain

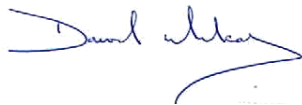
The development of the site for residential development would provide **much needed homes** in a current housing crisis aimed at persons who would otherwise build one-off houses.

A **new public footpath** from the village to the canal along the entire frontage of the site.

Provision for **new Playing Fields for Ardclough GAA Club** at the rear of the site, accessed a strip along the south of the site which would also act as a **buffer to the canal (pNHA)**. Please refer to **letter of support from Ardclough GAA Club**<sup>3</sup>.

We trust that the Council will afford this submission serious consideration. We consider that these proposed land use designations within Ardclough Rural Settlement Boundary would be consistent with the proper planning and sustainable development of the area.

Signed:



David Mulcahy

**David Mulcahy Planning Consultants Ltd**

CHARTERED PLANNING CONSULTANTS

**Enclosure**

1. Letter of support from Ardclough GAA Club.
2. Indicative diagram showing location of GAA pitch.

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<sup>3</sup> We submit that this submission is distinct and separate from the Supreme Court Judgement in *McHugh v Kildare County Council* [2009] IESC 16 whereby the Court ruled that the landowner entering into an agreement with Kildare County Council to transfer some land to the council in the event of other land being rezoned was not an agreement within the meaning of section 38 of the Local Government (Planning and Development) Act 1963, as amended by the Act of 1976, and was ultra vires. The landowner in this instance is not looking to enter into any such agreement with the Council, but merely to outline that he is willing for part of his lands to be designated for playing pitches to accommodate Ardclough GAA who urgently require same.





## Cumann Lúthchleas Gael Ardclloch

17<sup>th</sup> May 2022

### TO WHOM IT MAY CONCERN

Ardclough GAA Club fully supports the submission being made by Mr Jim Moran in respect of the lands opposite the GAA Club including the provision for lands for a GAA pitch.

The club urgently needs these additional facilities to service the needs of our membership base. We are fielding more teams than ever before across Hurling, Camogie, Gaelic Football and Ladies Gaelic Football. We have experienced a significant surge in the number of young people joining our club which is creating a real challenge for us to provide the necessary facilities to support this welcome expansion in membership.

If we can provide any other information, please do not hesitate to contact me.

Yours sincerely,

**Brendan Smartt**  
*Secretary*

*Cumann Luthcleas Gael Ard clloch, Wheatfield, Straffan, Co. Kildare*  
*Chairman: John Ryan (086)2326525 Secretary: Brendan Smartt (087)2620854*  
*[www.ardcloughgaa.com](http://www.ardcloughgaa.com) e-mail: [secretary.ardclough.kildare@gaa.ie](mailto:secretary.ardclough.kildare@gaa.ie)*



Indicative location of playing pitch at the rear (west end) of the site (130m x 80m with a buffer area around same).