



**DAVID MULCAHY
PLANNING CONSULTANTS LTD**

67 The Old Mill Race, Athgarvan, Co. Kildare

PH: 030 405030/086 350 44 71

E-mail: david@planningconsultant.ie

www.planningconsultant.ie

Company No: 493 133 Directors: D. Mulcahy & M. Mulcahy

SUBMISSION TO DRAFT KILDARE COUNTY DEVELOPMENT PLAN 2023-29

CONCERNING FUTURE DEVELOPMENT OF

**BLACKWOOD, COILL DUBH,
CO. KILDARE**

Client: Mr. Alan Byrne

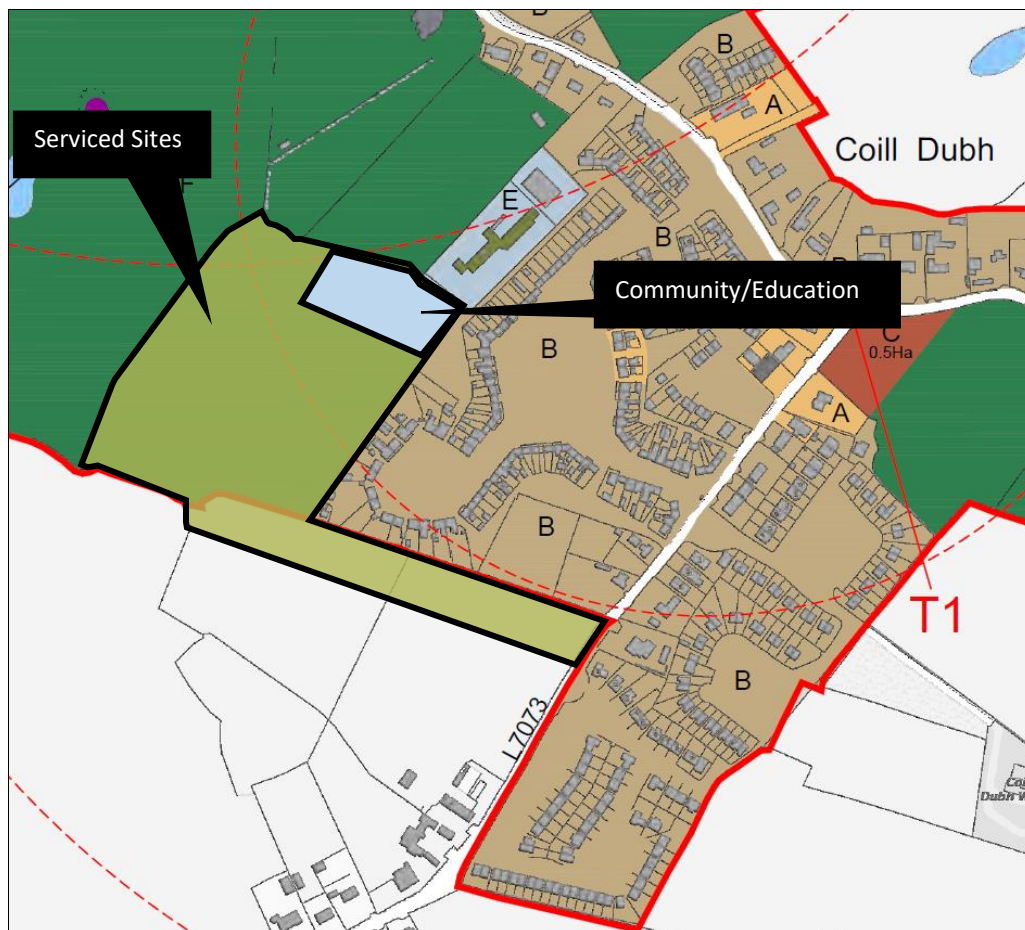
23rd May 2022

EXECUTIVE SUMMARY

The purpose of this submission is to demonstrate that additional housing should be provided for in the village of Coill Dubh to provide a **genuine alternative for local persons who would otherwise seek to build one-off houses in the countryside.**

The submission further outlines those lands in the ownership of Mr. Alan Byrne should be zoned for **serviced sites**, or **alternatively, New Residential.**

The submission also seeks to provide community gain in the form of **playing fields for the national school** so as to increase amenity provision for the school.



Extract from Coill Dubh/Cooleragh Village Plan in the dKCDP 2023-29 showing the proposed new zoning objectives.

1.0 INTRODUCTION

David Mulcahy Planning Consultants Ltd have been retained by **Mr. Alan Byrne** to prepare a submission to the Draft Kildare County Development Plan 2023-29 concerning the future development of the Rural Settlement of Coill Dubh¹, Co. Kildare.

The purpose of this submission is to demonstrate that additional housing should be provided for in the village of Coill Dubh to provide a genuine alternative for local persons who would otherwise seek to build one-off houses in the countryside.

The submission outlines that lands in the ownership of Mr. Byrne (c.5.5 hectares) **should be included in the village boundary of Coill Dubh** to accommodate such housing, by way of **serviced sites**.

The report finds that whilst there is planning permission in the village of Cooleragh/Coill Dubh for 103 houses these permitted dwellings are **suburban** in nature and are unlikely to attract persons who would otherwise build a one-off house into the village.

The subject lands in Coill Dubh, by reason of their location adjacent to the school and lack of material constraints present as ideal for such consideration.

Note: All maps in this report are aligned due north. All underlined italics is author's emphasis.

¹ Also referred to as Blackwood.

2.0 LOCATION AND DESCRIPTION

2.1 The Two Villages

The rural settlements of Coill Dubh and Cooleragh are located approximately 40 kilometres from Dublin in north of County Kildare, west of the village of Prosperous.

Coill Dubh consists primarily of residential dwellings but has good community infrastructure in the form of a school, church, GAA club etc.

Cooleragh consists primarily of suburban style residential dwellings with a church and filling station in terms of community infrastructure. There is also a Bord na Mona facility.

The two settlements are separated from each other by agricultural lands.

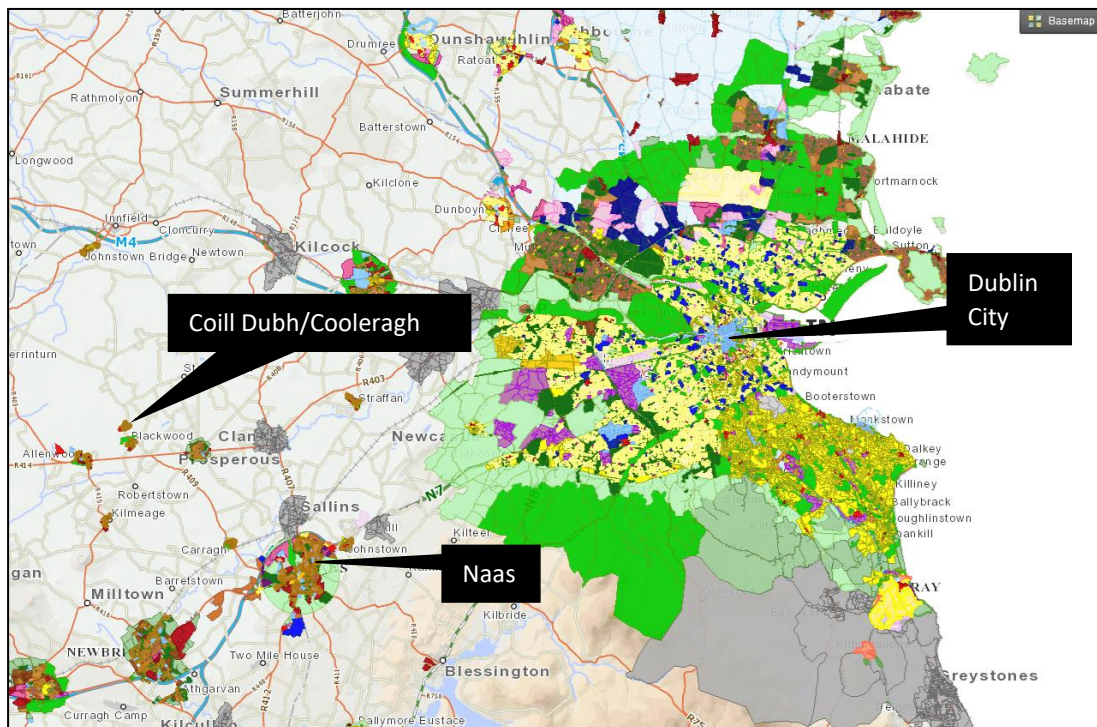


Fig No.1 Location of Coill Dubh relative to Dublin and Naas (source: Myplan.ie - OSI Licence No.EN 0080915).



Fig No.2 Map of Coill Dubh to the south and Cooleragh to the north (source: Myplan.ie - OSI Licence No.EN 0080915).

2.2 Subject Lands

The lands in the ownership of Mr. Byrne (c.5.5 hectares) are located to the west of the settlement of Coill Dubh with frontage onto the local public road running through the settlement.

At present these lands are under grass. The lands are enclosed, in the main, by mature hedgerow. There are overhead lines running through the site.

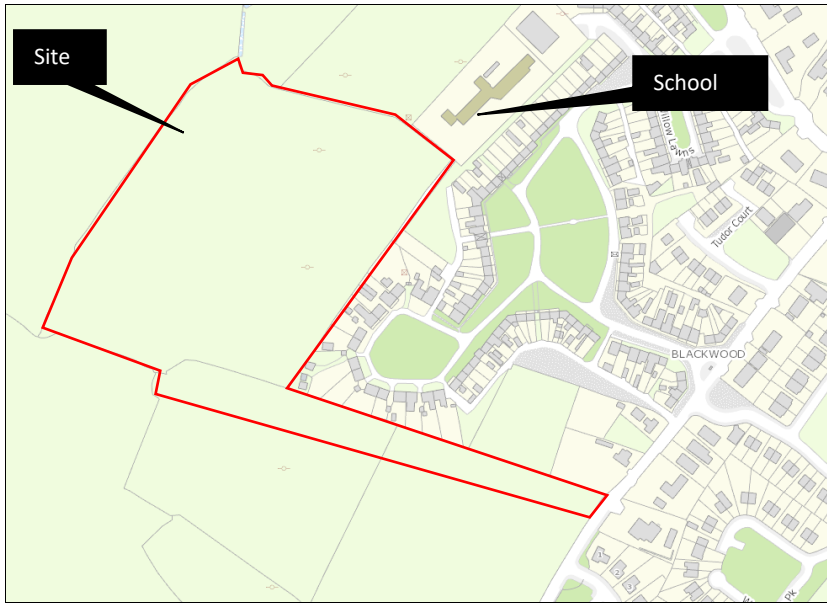


Fig No.3 Location of subject lands² within Cooleragh (red line) (source: Myplan.ie - OSI Licence No.EN 0080915).



Fig No.4 Satellite image of subject lands (Source: Google Earth Pro, January 2020). Red line indicative only.

² Folio Nos. KE KE9425 and KE52741F

2.3 Built and Natural Heritage Constraints

There are no known natural heritage constraints associated with the subject site based on myplan.ie. There is no direct pathway to any Natura 2000 site. The closest Natura 2000 site is Ballynafagh Lake SAC (Site Code: 001387) at a distance of approximately 1.3km from the site and there is no direct pathway from the site to same.

2.4 Flood Risk

There is no flooding associated with the subject site based on a review of floodinfo.ie

2.5 Adjoining Lands

The uses on the adjoining lands are as follows:

North: Coill Dubh National School and agricultural lands.

South: Agricultural lands.

East: residential dwellings in a suburban layout.

West: Agricultural lands.

2.6 Cooleragh

The surrounding hinterland of Cooleragh and Choill Dubh is under significant pressure for one-off houses with many being refused. There has to be a viable alternative for persons who qualify under local needs but still want to live in the rural area with a generous sized plot and house.

3.0 PLANNING HISTORY

3.1 Subject Lands

Reg. Ref. 07/2573

On 15/12/2008 Michael Devine was granted conditional permission was granted for detached dwellings comprising 23 two storey units, 4 dormer type bungalows and 3 bungalows and related site development works Brockagh, Coolearagh West, Co Kildare.

PL09.232327

On 12 June 2009 An Bord Pleanala overturned this permission and issued a refused permission for two reasons relating to the scale of the proposed development and the suburban type development.

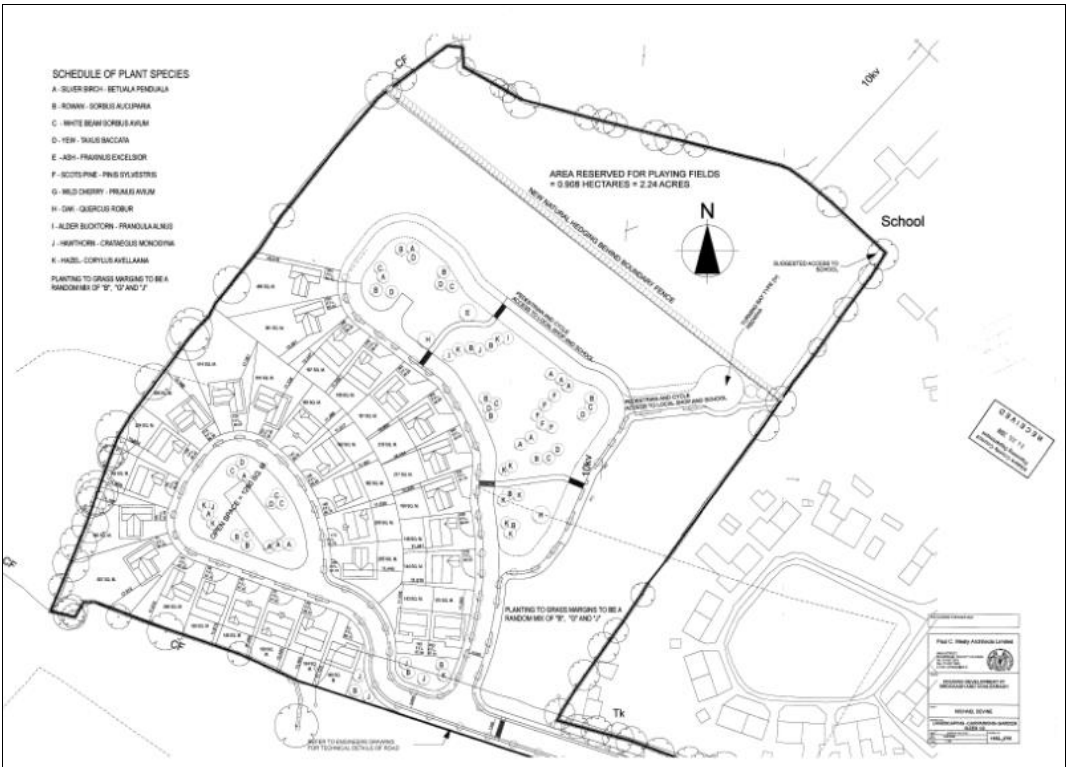


Fig No.5 Layout submitted at further information stage.

Reg. Ref. 05/1346

Conditional permission was granted by Kildare County council to Michael Devine for the construction of 53 two-storey four bedroomed houses at Brockagh and Coolearagh West, County Kildare.

PL.09.216342

On 12 June 2009 An Bord Pleanala overturned this permission and issued a refused permission for two reasons relating to the scale of the proposed development on unzoned land and the road between the site entrance and the village being substandard.

3.2 Extant Planning Permissions in Cooleragh

Reg. Ref. 18/851

Ultra-Dawn Ltd. t/a Premier Developments were granted conditional permission in May 2019 for **52 dwellings** on residential zoned lands Cooleragh East, Coill Dubh, Naas, Co. Kildare. This dwellings are largely built - 'Ballynafagh Springs'.

The permitted layout is suburban in nature and may not be attractive to local persons who want build their own dwellings on large sites if they are to live in a village, rather than building in the countryside.



Fig. No.6 Site layout submitted at further information stage.



Fig. No.7 Relevant planning permissions referred to above.

3.3 Extant Planning Permissions in Choill Dubh

Reg. Ref. 19/1341

On 05/02/2020 permission for 51 dwellings granted under Reg. Ref. 14/505 was extended 11th Jan 2025. This permission is **built out** - Hawthorn Manor.

The site layout plan shows that the layout is **quite suburban in nature**. Whilst there is a high proportion of detached houses, with the exception of 3 or 4 dwellings, they are on suburban type plots and are **likely to be considered too small to attract persons who would otherwise build one-off houses** into the village.



Fig No.8 Site layout submitted at further information stage under Reg. Ref. 14/505.

Summary

- All residential zoned lands within the village are the subject of extant planning permissions for suburban type layouts and are built out or substantially complete.
- There is a need for new zoning objectives in the village to facilitate future housing.
- The Council previously granted permission for residential development on the subject lands on two occasions but this was subsequently refused by the Board primarily due to suburban nature and scale.

4.0 PLANNING CONTEXT

4.1 Rebuilding Ireland - Action Plan for Housing & Homelessness 2017

The Action Plan is a response to the housing crisis which has seen a significant shortfall in housing, particularly in the greater Dublin area. The Action Plan sets ambitious targets to double the annual level of residential construction to **25,000**³ homes and deliver 47,000 units of social housing in the period to 2021. There are 5 pillars to the Action Plan. Pillar 3 – Build More Homes – seeks to increase the output of private housing to meet demand at affordable prices.

4.2 National Framework Plan ('NPF') 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

³ Currently less than 20,000 dwellings are being built per annum, with Covid 19 affecting same.

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 3a

Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO.

National Policy Objective 3c

Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

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.

The NPF notes that in rural Ireland, many people seek the opportunity to build their own homes but find it difficult to do so in smaller settlements because of a lack of available sites and services. In order to assist this, local authorities will be supported in undertaking the necessary land acquisition, site preparation and local infrastructure provision to deliver self-build development options in smaller towns/villages. This would also apply in respect of private developers.

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.

4.3 Sustainable Urban Residential Development in Urban Areas Guidelines ('SURDUA') 2009

In section 6.3 'general advice', subsection (d) deals with 'Offering alternatives to urban generated housing'. It states that:-

"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".

4.4 Regional Spatial and Economic Strategy for the Eastern and Midland Region, ('RSES') 2019 - 2031

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.

Coolreagh/Coill Dubh is located in the Hinterland Area. The following recommendations in the Strategy are 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).

4.5 Kildare County Development Plan ('CDP') 2017 – 2023

Coill Dubh and Coolearagh

The two settlements of Coill Dubh and Coolearagh together are designated as a 'Village' in the County Settlement Strategy

The subject lands are outside the village boundary and are not zoned.

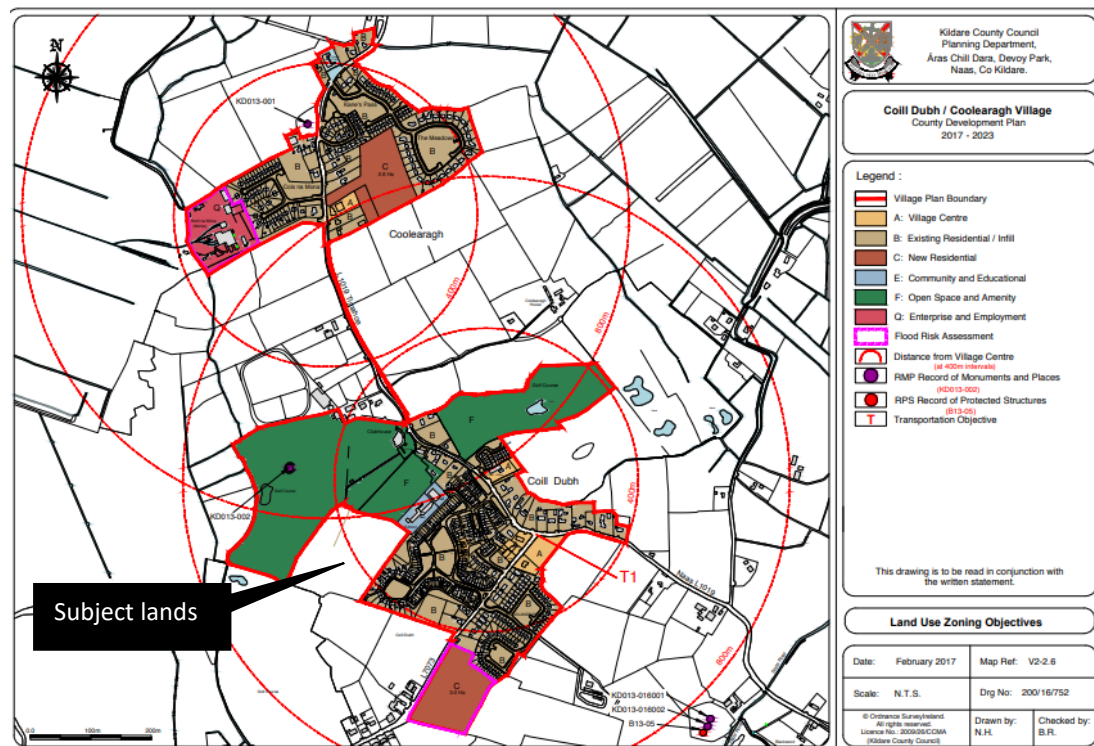


Fig No.9 Choill Dubh/Colleragh Village Plan – source: Kildare County Development Plan 2017 - 23.

5.0 DRAFT KILDARE COUNTY DEVELOPMENT PLAN 2023-29

5.1 Settlement Strategy

Cooleragh and Coill Dubh together remain designated as a **Village**.

The dKCDP notes, inter alia, that:

- The village has a population of 746 (2016 Census) an increase of 7.6% from 2011 (693). (figures only include Coill Dubh and do not include Coolearagh or the Hawthorn Manor estate to the south).
- Water – Supplied by the Srowland WTP. Coill Dubh / Cooleragh has an adequate water supply to meet the current demands and the future planned growth over the life of this Plan.
- Wastewater – Coill Dubh / Cooleragh is serviced by the Coill Dubh WWTP. The plant has **spare capacity for 630(PE)**.

5.2 Zoning Objective

Under the draft KCDP the subject lands are located **inside the Village Plan Boundary**, and are zoned **'F' - Open Space and Amenity**.

The rationale behind including these lands as 'F' zoned lands is not clear as they do not form part of the adjoining golf club and are in private ownership.

If these lands are to be realised for the purpose of playing fields for the school there must be a recognition that this would have to form part of a wider zoning objective to facilitate housing so as to finance same.



Fig No.10 Coill Dubh & Cooleragh Village Zoning Map showing subject lands zoned Open Space & Amenity under the dKCDP 2023-29.

5.3 Serviced Sites

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.

The draft KCDP 2023-29 does not include any lands in the village of Choill Dubh and Cooleragh for Serviced Sites which seems remarkable given the pressure for one off houses in this area and the need to attract such persons into rural villages. We submit that such persons are highly unlikely to be attracted by smaller urban style dwellings and therefore there is a real need to provide a Serviced Sites Zoning or multiple such zonings in this village.

6.0 SUBMISSION

6.1 Summary

- 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 Cooleragh and Coill Dubh which are both designated as a Village in the draft KCDDP 2023-29 Kildare Settlement Strategy.
- The site is largely within the 400m radius from the village centre.
- The site is outside the village plan boundary under the KCDDP 2017-23.
- The site is inside the village plan boundary under the dKCDDP 2023-29 and is zoned Open Space and Amenity.
- There are no known built or natural heritage constraints associated with the land, or flood risk.
- The WWTP plant in the village has significant spare capacity to accommodate future growth.

6.2 Submission

The purpose of this submission is for the site to be primarily zoned for **Serviced Sites, or New Residential** which is a priority objective of the draft Plan in order to provide a genuine alternative for local persons who would otherwise seek to build one-off houses in the countryside. **The remainder of the site would be zoned for 'F' Open Space and Amenity.**

Most of the existing development in Cooleragh, and indeed permitted development, is of a **distinctly suburban nature**. It is considered that this type of housing development does not provide a viable alternative to members of the rural community who might consider living in a village environment as opposed to a one-off house.

There is extant permission for 103 dwellings on the 5.8 hectares zoned for residential development in Coill Dubh/Cooleragh. This equates to 288 persons based on an average household size of 2.8. This population increase ($1,095 + 288 = 1,383$) is **still well below the capacity of the WWTP** and thus more lands could also be included for residential development.

This submission seeks for the subject lands to be considered for **serviced sites** which can accommodate dwellings large enough to provide **genuine alternatives to persons who would otherwise build one-off houses** in the countryside. Such persons are highly unlikely to be attracted into suburban type housing developments and want to **build houses of their own design** on **generous sized plots**.

6.3 Playing Fields

The applicant is willing to provide some land for **playing fields** for the school as part of any residential development on the lands. See letter from school principal and hurling club **enclosed**.

The F zoning for the entirety of the subject lands under the draft KCDP 2023-29 does not make sense from a practical perspective. The lands are **in private ownership** and completely separate from either the school or the golf club.

The landowner is amenable to providing additional lands for the expansion of the school and/or new playing pitches in the form of a **Community/Educational**

zoning objective but this should be tied into a wider zoning objective for residential development in order to finance same⁴.

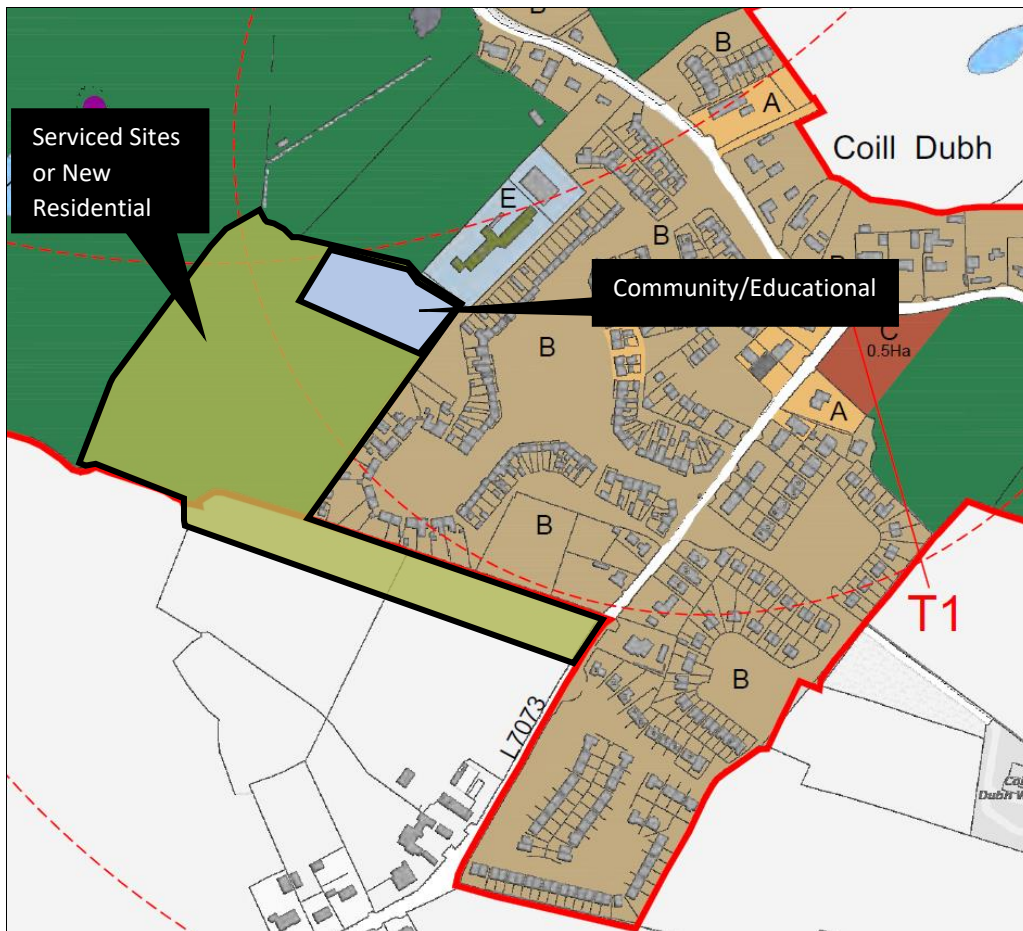
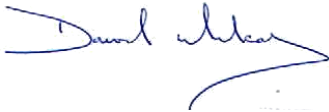


Fig No.11 Extract from Coill Dubh/Colleragh Village Plan in the dKCDP 2023-29 showing the proposed new zoning objectives.

⁴ 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 in order for F zoned lands to be realised, that the remainder of the owners lands need to be zoned for residential development to finance the development of these lands as playing pitches, along with associated works, if planning permission is secured at a future date.

We trust the Council will take this submission into consideration in the preparation of the new Plan and zone the site for Serviced Sites or New Residential. We consider that these proposed zoning objectives would be consistent with the proper planning and sustainable development of the area.

Signed:

A handwritten signature in blue ink, appearing to read 'David Mulcahy', with a long, sweeping underline.

David Mulcahy,

David Mulcahy Planning Consultants Ltd

CHARTERED PLANNING CONSULTANTS

Enclosed

1. Letter from the national school supporting need for additional lands to facilitate urgent expansion.

Coill Dubh N.S.
Coill Dubh
Naas
Co. Kildare
Phone: (045) 860023
e-mail: office@coilldubhns.ie
www.coilldubhns.ie



S.N. Coill Dubh
Coill Dubh
Nás na Ríogh
Co. Chill Dara
Guthán: (045) 860023
r-phost: office@coilldubhns.ie
www.coilldubhns.ie

5th March 2021

A chara,

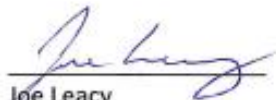
This letter is to support the application by Alan Byrne of Town and Country Builders to rezone the site adjacent to our school as residential.

We have extended the school twice in the last five years and at present can only accommodate fifteen further students. There is no further available building space on the school site. There are a number of residential developments due to commence in the area in the coming months and we are concerned that there will not be sufficient school places available.

As this site borders the school Mr. Byrne has committed to gifting sufficient ground to accommodate any extension we will require.

I can be contacted at the above number if you have any questions with regard to the contents of this letter

Yours sincerely,


Joe Leacy
Principal