



30th May 2019

Ken Kavanagh
Planning Department
Kildare County Council
Áras Chill Dara, Devoy Park
Naas

RE: DRAFT NAAS LOCAL AREA PLAN 2019-2023

Dear Mr Kavanagh,

Thank you for your authority's work in preparing the draft local area plan for Naas. As the key urban centre in Kildare and a key town in a wider regional context, your authority has expended a considerable degree of effort in preparing a new local area plan for Naas that has many innovative and positive features and the Office commends the Council for its work in this regard.

The Office of the Planning Regulator has assessed the Draft Local Area Plan (LAP) above under the relevant provisions of the Planning and Development (Amendment) Act 2018 and under which the Office of the Planning Regulator (OPR) was established on 3rd April last.

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

As the preparation of the Draft LAP pre-dated the establishment of the OPR and the Office is developing an overall assessment methodology for statutory plans, the submission below has been prepared to provide a high-level input to the statutory plan procedure.

1. Overall Assessment of the Draft Naas LAP

Section 1 of the draft LAP outlines a very good summary of the core development issues and challenges faced by your authority in securing the proper planning and sustainable development of Naas.

The town's historical development pattern is outlined in this section of the draft LAP - heavily influenced by a sustained shift towards the M7 Motorway in recent decades, followed by rapid

development of low to medium density housing development and resulting in a weak town centre. Section 1 also acknowledges new policy directions, in the shape of the Government's Project Ireland 2040 – towards compact urban development and a shift towards forms of development and associated mobility demands that can be catered for first and foremost by sustainable travel modes, not car-based travel.

The draft LAP correctly identifies that:

"while Naas presently has a strong economic base, the location and spatial pattern of this economic activity has tended to cluster along the motorway, creating a peripheral arc which is detached from the established town centre. In addition, residential development has tended to locate outwards in a somewhat dispersed pattern of development.

Movement and transport patterns have relied disproportionately on private transport modes, with a poor emphasis on public transport, walking and cycling"

The above extract from the draft LAP sums up the core challenge in creating a strategy for the proper planning and sustainable development of Naas. How to capitalise on Naas's strategic economic and functional roles as a self-sustaining urban centre, while moving away from forms of development that are ultimately unsustainable such as low to medium density sprawl outwards from a town centre that has not reached its potential and drawing economic activity in to that town centre from an excessive focus on motorway-side development that at a practical level will tend to be car-based given its distance from where people live.

The Office notes that in addressing the challenge above, there are many notable and positive features in the draft LAP.

Elements that stand out include the Regeneration Strategy in Section 8.4, which outlines several urban development frameworks for key opportunity locales in and around the town centre of Naas, including the stalled town centre and Corban's lane area, the under-utilised Canal Harbour and key infill residential and mixed use sites.

The Office strongly supports the efforts your authority has made to bring forward these elements of the draft LAP and anticipates that they should be widely supported by other stakeholders in the planning process, subject to examining some elements of the urban design frameworks that should respond better to the recently published planning guidelines on building height – as in the height parameters for the canal harbour area that limit development in some areas to only 2 storeys. This should be revisited in the light of the above guidelines.

There are also strong commitments to securing the brownfield development targets in the NPF, which coupled to the six Core Regeneration Areas, should be the substantive focus for the finalisation and implementation of this draft LAP.

And there are strong commitments to active land management measures such as site assembly and the use of Derelict Sites and Vacant Sites legislation to move on stalled sites and such action and strategic land purchases will be required to give effect to delivery.

Notwithstanding the above and many other qualitative aspects of the draft LAP, there is also a more concerning continuation and intensification of the trend in the development of the “peripheral arc” mentioned above along, and now straddling the M7 Motorway, including two interchanges that are in the final stages of being provided/upgraded as part of the Transport Infrastructure Ireland sponsored M7 Upgrade Programme.

New land use zonings are proposed in this area, which is predominantly accessed by/accessible from the private car, not public transport and is notably distant from wider residential parts of Naas and outlying areas making it not that attractive to walk or cycle to.

There is an absence of an evidential basis for such zonings in relation to their transport impact on this key national transport artery as required under the planning guidelines on spatial planning and national roads referred to below. There is also a heavy likelihood that development in this area would be likely to add to traffic levels and energy intensive car based travel, so it would appear that this aspect of the draft LAP would not support the statutory requirement under the Planning and Development Act 2000 (as amended) that development plans, and by extension local area plans promote sustainable settlement and transportation patterns that reduce energy demand and tackle both the drivers and effects of climate change (see Section 10 (2)(n)).

In addition, and thinking ahead in strategic terms, the new and additional development lands identified for Objective Q (Enterprise and Employment) to the west of the M7 Newhall Interchange that is under construction, coupled to previous zonings under Objective H (Industry and Warehousing), would be likely to lead to further consolidation and extension of employment and retail type development along the peripheral arc mentioned above, drawing traffic to such lands from a wider area and from Naas across key interchanges that of themselves are not conducive to being attractive to walking and cycling modes, noting that a transport strategy has not yet been prepared to inform the draft LAP.

At the same time, the development of Naas in strategic employment terms, will, if this historical trend above is facilitated and continued, tend to be lop-sided, undermining the attempts in the plan to build a much stronger and vibrant town centre.

Therefore, whilst this Office strongly supports the strategic appraisal behind and objectives for this plan, the absence of integrated transport and spatial planning (as required by several statutory guidelines of the Minister) and the additional focus it contains on developing the lands along and

across the M7 motorway very much undermine those objectives and therefore need to be revisited in accordance with the observations and recommendations outlined below.

2. Consistency with the Hierarchy of Statutory Plans

National Planning Framework / Regional Spatial and Economic Strategy

Our statutory observations and recommendations seek to ensure broad policy consistency between national, regional and local levels of the statutory planning policy hierarchy, which in the case of the proposed local area plan will include the National Planning Framework, Regional Spatial and Economic Strategies and your authority's county development plan.

The Office notes that the Draft LAP was necessarily prepared before the Draft Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area was finalised and which strategy further applies the National Planning Framework (NPF) at regional level.

Nevertheless, your authority will be aware of its statutory obligation to examine the current Kildare County Development Plan to determine its consistency with the NPF/RSES and arising out of that assessment, to undertake the appropriate statutory planning policy review procedures as necessary. In turn, and as your authority's draft LAP for Naas has acknowledged, the next Kildare County Development Plan will in turn prompt a subsequent review of local area plans to ensure their consistency with a newly adopted county plan.

Therefore, and having regard to the above, it would be prudent for the Draft Naas LAP to signal at this point that it's written statement and maps and policy objectives are subject to review in the context of the next County Development Plan and ensuring consistency with the NPF and Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly area.

Recommendation 1: The Office recommends that your authority inserts a written objective to the effect of the above into the Draft Naas Local Area Plan.

Transport Strategy for the Greater Dublin Area

The *Transport Strategy for the Greater Dublin Area 2016-35* prepared by the National Transport Authority is the statutory transport strategy prepared under section 12 of the Dublin Transport Authority Act 2008. Section 12(3) of the Act states that the objective of the strategy is '*to provide a long-term strategic planning framework for the integrated development of transport infrastructure and services in the GDA*'.

Section 4.2 of the LAP refers to the fact that an overarching transport strategy for Naas is currently in preparation, to provide a framework for addressing transport in the town for the next two

decades. Notwithstanding the many positive elements of this draft LAP, the Office very concerned that it has been prepared in the absence of contemporary analysis of current and future transport patterns versus measures to address congestion and infrastructure deficits.

Moreover, the draft LAP has proposed additional and significantly scaled zonings for significant new housing and employment related future development in the absence of a transport investment and delivery plan to support this substantial planned growth of the town.

Therefore, the Office is of the view that in the absence of such a transport strategy above, the draft LAP has outlined insufficient evidence to demonstrate consistency with the principles and objectives of the *Transport Strategy for the Greater Dublin Area*.

Recommendation 2: The Office recommends that the planning authority comprehensively demonstrate that the Draft LAP is consistent with the objectives of Transport Strategy for the Greater Dublin Area 2016-35. Such demonstration shall be achieved by bringing forward the completion of the local transport strategy for Naas and critically appraising the emerging land use and planning strategy for the town against said strategy and, taking into account the sustainable transport implications of land use zonings to the west of the N7, to re-evaluate the justification for such objectives.

3. Compliance with Ministerial Planning Guidelines issued under s.28 of the Act

Spatial Planning and National Roads Guidelines (2012)

The Draft LAP proposes significant employment zonings along the M7 corridor and in proximity to junctions on the motorway. There is substantial public investment (in the construction phase currently) in the upgrading of capacity of this section of the motorway with these works expected to be completed later in 2019

The Spatial Planning and National Roads Guidelines (2012) under section 2.4 emphasise that there must be an evidence base to such developments that are proposed in the vicinity of motorway interchanges and a traffic assessment to ensure the avoidance any adverse impact on the national road infrastructure must be provided to this end. Such proposals must demonstrate, *inter alia*, consistency with the relevant regional and national development policy/strategy. The Draft LAP is not accompanied by the required traffic analysis or similar evidence basis to strategically assess potential impact on the operation of the adjoining motorway infrastructure. The approach required by the Spatial Planning and National Roads Guidelines has not been followed in the LAP and the extensive employment zonings have the potential to generate traffic volumes to limit the operation of the nearby motorway interchange.

Recommendation 3: The Office recommends that the planning authority comprehensively demonstrate that the Draft LAP complies with the requirements of the Spatial Planning and National Roads Guidelines (2012) and in particular the requirement of section 2.4 for detailed transport modelling / analysis.

Local Area Plans Guidelines (2013)

The statutory guidelines issued by the Minister for Housing, Planning and Local Government on Local Area Plans (2013) highlight the critical need to identify infrastructural delivery phasing and funding mechanisms where significant new development is proposed in an LAP. The Draft Naas LAP has proposed a substantial quantum of new residential and employment development that will require the coordinated delivery of substantial new transport, services, community, educational and other infrastructure by a number of providers. However, the planned timescale for the delivery of new road infrastructure has not been sufficiently set out in the LAP or in an appropriate phasing arrangement that clearly joins new development with the provision of identified infrastructural items.

Recommendation 4: The Office recommends that an overall Implementation and Infrastructural Delivery Schedule is developed and inserted into the LAP as provided for in chapter 6 of the Local Area Plan Guidelines. This schedule should clearly phase new housing and employment in tandem with the programmed delivery of required infrastructure.

Flood Risk Management Guidelines (2009)

The Draft LAP is accompanied by a Strategic Flood Risk Assessment (SFRA). This document provides an analysis of flood risk within the LAP including the identification of Flood Risk Zones A and B as per the Flood Risk Management Guidelines 2009. It is noted that the flood zones for Naas are being established with reference to the existing CFRAM flood maps. These flood zones will be reevaluated as part of an output from the updated hydraulic study that is required to progress a proposed flood scheme for Naas (as outlined in the Eastern CFRAM FRMP). It is stated that ‘Following this exercise, the SFRA will be reviewed and the sequential approach will be revisited to assess the land zonings’. It is advisable that the Council liaise with the OPW in relation to this detailed analysis of flooding in Naas and ensure that the LAP is fully compliant with the 2009 Flood Risk Management Guidelines.

Recommendation 5: The Office recommends the planning authority liaise with the OPW in relation to an updated hydraulic study that is required to progress a proposed flood scheme for Naas and ensure that the LAP is fully compliant with the 2009 Flood Risk Management Guidelines

3. Next Steps

The Office requests that your authority addresses the 5 specific recommendations outlined above in bold that are made in the context of the provisions of Section 31AO(3)(a) in order to ensure that the Draft LAP is consistent with relevant national policy obligations, guidelines and legislative requirements.

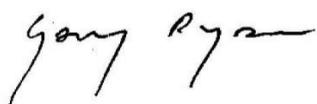
The report of the Chief Executive of your authority prepared for the elected members under Section 20 of the Act must summarise these recommendations and the manner in which they should be addressed. In addition, your authority is required to notify this Office within 5 working days of the making of the local area plan and send a copy of the written statement and maps as made.

Where the planning authority decides not to comply with a recommendation of the Office or otherwise makes the plan in such a manner as to be inconsistent with any recommendations made by the Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matter further as regards the making of any recommendations to the Minister in relation to any Directions that may be required under Sections 31AO and 31AP.

This Office would welcome further discussion of the above with your authority's forward planning team and if you so wish to arrange such a discussion in the context of informing your responses to the above, please contact the undersigned at: plans@OPR.ie

Yours sincerely,



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