



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

8th February 2021

Forward Planning Section,
Head Office Áras Chill Dara,
Devoy Park,
Naas,
Co Kildare
W91 X77F

Re: Draft Athy Local Area Plan 2021-2027

A chara,

Thank you for your authority's work on preparing the *Draft Athy Local Area Plan 2021-2027* (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system. In particular, the Office welcomes the preparation of an Area Based Transport Assessment and Infrastructural Assessment to inform the draft LAP.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development plan, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region 2019-2031, and relevant section 28 guidelines. This submission makes 8 observations.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

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A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

The Office commends the planning authority for the quality of the draft LAP and for the comprehensive evidence base informing the draft LAP. The comments and observations below are provided to enhance what is considered to be a robust and well thought out plan.

1. Consistency with the RSES and the County Development Plan

Section 19(2) of the Planning and Development Act 2000 (as amended) (the Act) requires that a local area plan (LAP) shall be consistent with any RSES that applies to the area of the plan.

Chapter 4 of the RSES identifies the settlement strategy and the targeted pattern of growth for the Eastern and Midlands region.

Table 4.2 Settlement Hierarchy identifies 'Self-Sustaining Growth Towns' as towns with '*a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining*'. In this regard, the Office acknowledges that the planning authority has identified Athy as a Self-Sustaining Growth Town in the county's settlement hierarchy, which was adopted as part of Variation No. 1 to the Kildare County Development Plan 2017-2023.

The RSES identifies the following growth enablers for the region which are relevant to Self-Sustaining Growth Towns including the promotion of:

- Regeneration and revitalisation of small towns and villages and support local enterprise and employment opportunities to ensure their viability as service centres for their surrounding rural areas.
- Targeted 'catch up' investment to support self-sustaining local employment, and in services, sustainable transport and amenities in places that have experienced rapid commuter driven population growth.

1.2 Regeneration of Athy Town Centre

Regional Policy Objective (RPO) 3.3 requires that the core strategy identifies regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites.

Acknowledging that the current development plan does not identify strategic brownfield and infill sites within Athy, the Office welcomes and supports the designation of Athy town centre as a

regeneration area¹ and the inclusion of a regeneration framework within the draft LAP. In this regard, the Office welcomes the planning authority's '*...target of at least 10% of all new builds in the period to 2027 developed on town centre lands*'².

It is noted that the RSES also identifies the following guiding principles which are to be applied to regeneration areas:

- Include proposals for strategic brownfield and infill sites which should be accompanied by a site brief and/or masterplan
- Encourage pilot projects for the re-use of brownfield sites
- Set out measures to reduce vacancy and the underuse of existing building stock.

The Office welcomes the substantial work that has led to the comprehensive evidence base addressing town centre issues such as vacancy. This evidence base provides a thorough assessment of the key issues affecting the town centre.

While vacancy across the town centre is clearly mapped in the draft LAP, there is scope for further clarity in relation to the extent of brownfield and backland opportunity sites, their potential development capacity and the required enabling works to realise such potential. The extent of such backland and vacant brownfield sites appears significant and therefore the identification of any such key sites will result in better alignment with town centre regeneration objective RPO 3.3.

A core recommendation in the Urban Regeneration Framework is the preparation of a Public Realm Strategy including a car parking management plan, however it is not clear how this strategy will support the development of brownfield and backland sites and align with other proposals in the draft LAP. The planning authority may wish to consider whether the preparation of a public realm strategy should be broadened to consider the development potential and approach to the development of brownfield and backland sites, and how this approach would be reinforced by the proposed car parking management plan.

This would provide the means of coordinating the redevelopment of areas within the town centre, and would provide an appropriate response to RPO 6.12 of the RSES. Design guidelines specific to these areas could also be developed to align with the provisions of Section 5.7 of the *Local Area Plan Guidelines for Planning Authorities (June 2013)* which state that '*Local area plans have a key role in translating overarching development plan urban design policies and objectives at the local level*'.

¹ For the purposes of applying the Vacant Site Levy

² Page 40 of the Draft Athy LAP

Observation 1

The planning authority is requested to provide further clarity in the Local Area Plan in relation to the extent of brownfield and backland opportunity sites, their potential development capacity and the required enabling works to realise such potential. Such information should also have regard to the proposed public realm strategy and car parking management plan, as relevant.

Two opportunity sites in the town centre have been listed. These include the Dominican lands (Site A) and the rear of Leinster Street (Site B). The 'Dominican Lands and Blueway Hub Masterplan' is listed as a priority project, in Table 3.1 of the Urban Regeneration Framework, however, there is requirement to prepare a masterplan for Site B. It is therefore considered that the LAP should include an objective to prepare of a more detailed masterplan for Site B.

Observation 2

The planning authority is requested to consider including a standalone objective for the preparation of a more detailed masterplan for the land to the rear of Leinster Street (Site B) which could be added as a priority project into Table 3.1 of the Urban Framework Plan.

1.3 Catch up Investment

The RSES identifies catch up investment as a growth enabler for Self-Sustaining Growth Towns such as Athy. This is supported by the economic development policies set out in the development plan (as varied) such as policy CS 7³, which states:

Promote targeted 'catch up' investment to support self-sustaining local employment, and in services, sustainable transport and amenities in places that have experienced rapid commuter driven population growth.

Greater clarity could, however, be provided in relation to the targeted 'catch up' investment required to support Athy as a Self-Sustaining Growth Town consistent with policy CS 7 above.

³ Section 2.16.2, page 30 of Variation No. 1 to the Kildare County Development Plan 2017-2023

Observation 3

Having regard to the growth enablers for Self-sustaining Growth Towns in the Regional Spatial and Economic Strategy and policy CS 7 of the County Development Plan, the planning authority is requested to clarify the 'catch up' investment required to support self-sustaining local employment and services in Athy.

2. County Development Plan

Section 19(2) of the Act requires that a LAP shall be consistent with the objectives of the development plan and its core strategy. The Office notes that the planning authority's core strategy was revised to align with the RSES, as part of adopted Variation No. 1 of the Kildare County Council Development Plan 2017 – 2023.

It is noted that the development plan is currently under review and material changes to the following aspects of the Plan may require a statutory amendment to the LAP pursuant to Section 20 of the Act:

- Core strategy;
- Climate change policy and targets;
- Economic development policy and objective identifying required 'catch up investment';
- The identification of the strategic brownfield and infill sites; and
- Additional targets and specific measures relating to modal share.

The Office notes that under CPD 1.1 of the draft LAP, it is an objective of the Council to:

'Align the Athy Local Area Plan 2021 – 2027, if necessary, with the Core Strategy of the Kildare County Development Plan 2023-2029 once adopted, and any other material changes relevant to Athy contained in the Kildare County Development Plan 2023 – 2029, by way of a statutory amendment to the Local Area Plan pursuant to Section 20 of the Planning and Development Act 2000 (as amended).'

The Office supports this approach in the draft LAP which is consistent with sections 19(2) and 19(2B) of the Act.

2.1 Consistency with Core Strategy

Section 3 of the draft LAP addresses compliance with the core strategy of the development plan. Athy has been allocated 4.8% of the county's overall housing growth to 2027. Having regard to

Athy's anticipated population growth and housing needs, it is considered that the draft LAP's population forecast of 11,837 and housing requirement of 5,052 to 2027 are generally consistent with the core strategy of the current development plan. It is noted that the population forecast figure of 11,837 only includes projected population growth on lands zoned for town centre and new residential uses. This is addressed in section 2.2 below.

2.2 Population and compact growth

The Office commends the planning authority's approach to compact growth in the draft LAP, through the significant reduction in the extent of lands zoned 'new residential' from c. 75.5ha to c. 25ha and the intent to provide the majority of new housing on 'Town Centre' and 'New Residential' lands inside the settlement boundary.

The *Guidance Note on Core Strategies (2010)* states that the population targets and housing requirements of lower-level plans must be consistent with the core strategy of the county development plan. It is noted that the population target of the draft LAP is based on projected population growth on lands zoned for town centre and new residential uses only⁴ and does not account for potential housing yield from existing residential/infill lands.

In respect of potential housing yield from 'existing residential' zoned lands, there appears to be several sites which remain undeveloped. These undeveloped sites must also be taken into account in determining the capacity to accommodate population growth and housing yield. The draft LAP states that there is capacity for a further 58 units within the town centre based on a density of 35-50 where appropriate. However, no basis for estimating the capacity of town centre infill land has been included. Therefore, the planning authority is advised of the need to review the figures in section 3.2 of the LAP, in particular the projected housing increase to address the matters raised above.

Observation 4

Having regard to section 19 (2) of the Planning and Development Act 2000 (as amended) and the need for consistency with the *Guidance Note on Core Strategies (2010)*, the planning authority is requested to review the calculations informing the residential capacity table in Section 3.4 of the draft Local Area Plan to account for potential yield from 'existing residential'

⁴ Footnote reference for Table 3.1 of the Draft Athy LAP

zoned land and clarify the assumptions informing the potential yield of 58 further units from town centre lands.

3. Transport and accessibility

The Office welcomes the approach taken regarding movement and transport as described in Chapter 7 of the LAP which will support implementing the principles of sequential and plan led development.

The planning authority is commended for the preparation of an Area Based Transport Assessment (ABTA) which seeks to integrate land use and transport planning at the centre of the plan preparation process. The ABTA has addressed the need to incorporate national and regional transport policies and objectives into local level land use plans and significant development areas. Moreover, it demonstrates an acknowledgment and appropriate response pursuant to sections 10(2), 19(2) and 27 (1) of the Act.

The draft LAP has demonstrated consistency with the guiding principles expressed in the transport strategy for the RSES and consequently RPO 8.1, and the Transport Strategy for the Greater Dublin Area 2016 – 2035. The draft LAP proposes several active travel measures that will increase levels of walking and cycling in the town. These measures form part of a '*Connectivity Programme for Athy*', which has been listed as Priority Project 5 within the Urban Regeneration Framework Plan.

The draft LAP sees the implementation of its transport and movement strategy as means of facilitating the regeneration of the town centre, the development of an age friendly community, a transformed public realm, and an expanded high quality pedestrian and cycling environment. It is also positive to observe that the distributor road will be developed in tandem with other sustainable transport initiatives and is primarily to enable the implementation of a vision for a well-connected and permeable town centre that is to connect key strategic commuter nodes and proposed key sites.

Both the ABTA and the draft LAP have stated the planning authority's intention to prepare a car parking management plan. The draft LAP notes that current parking arrangements absorb a considerable area of the town centre, and that in several instances, car parking is the dominating feature of important civic spaces in the town. The Office considers that there is scope to review the potential for surplus car parking to be used for alternative uses as part of the overall

regeneration strategy. This should be addressed as part of the planning authority's response to observation no. 1 above.

The Office notes that the draft LAP proposes to zone a significant area for industrial and employment development at the intersection of the R418 (Dublin Road), N78 and the proposed Athy Distributor Road at the eastern edge of the plan area. Having regard to national policy in the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, the Office considers that the LAP should include an objective to prepare a transport assessment to determine the quantum of development that can be facilitated at this location in order to safeguard the strategic function and safety of the national road network.

Observation 5

The planning authority is requested to include an objective in the Local Area Plan to prepare a transport assessment regarding the lands proposed for industrial and employment in proximity to the intersection of the R418 (Dublin Road), N78 and proposed Athy Distributor Road. This assessment should assess the implications on the safe and efficient operation of the national road network in the area and determine the quantum of development that can be supported at this location. The planning authority is advised to consult with Transport Infrastructure Ireland in this regard.

4. Climate action

The Office welcomes the fact that considerations regarding climate mitigation and adaptation are integrated throughout the various chapters of the draft LAP and that it has been informed by County Kildare's Climate Adaptation Strategy 2019-2024. Furthermore the vision statement and strategic objectives as set out in chapter 2 make explicit references to mitigating the impacts of climate change and transitioning to a 'low carbon and climate resilient model of development'.

Policy objectives within the LAP should be climate proofed and contribute to the wider county objectives and further contribute to the national long term goals of achieving net zero emissions by 2050 as set out in the government's Climate Action Plan 2019. On completion of the review of the current development plan, additional targets and specific measures may need to be included in the LAP. In particular, the Office would welcome the incorporation of modal share targets based on the implementation of the road and street network objectives in policy MT4 of the draft LAP. This would provide a means of monitoring the progress of actions and connectivity measures as set out in the LAP, and assist in meeting the town's land use, regeneration, and related sustainability objectives.

Observation 6

Having regard to the transport objectives and implementation measures set out in the Local Area Plan and Area Based Transport Assessment, the planning authority is requested to consider including modal shift targets which will assist in measuring the outcomes of infrastructure measures promoting sustainable transport in the town.

Flood risk is a key issue for Athy and the draft LAP has recognised the increasing risk of flooding due to climate change and the need to achieve resilience and mitigate the effects of same. The Office welcomes the approach regarding the draft LAP's flood risk strategy, which is informed by a Strategic Flood Risk Assessment.

The Office also supports Policy I3 Flood Risk Management and objectives IO3.1 and IO3.4 which are included in the draft LAP. Objective IO3.2 is to ensure development proposals within the areas outlined on the Flood Risk Map are the subject of Site-Specific Flood Risk Assessment (SSFRA), appropriate to the nature and scale of the development proposed.

As there are several areas within the plan boundary that will require SSFRA, clearer reference is needed in the draft LAP to the sequential approach that must be applied as part of this assessment. Policy in the draft LAP should be strengthened to advise applicants that the sequential approach will be applied at site specific level in areas of flood risk. Policy should encourage the location of sensitive uses in areas of lower risk, the consideration of less vulnerable use types and other mitigation through design measures. Sustainable drainage should also be integral to the design and formulation of proposals at this stage consistent with the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*.

In addition and in order to provide clarity to those using the LAP, lands subject to flood risk should be identified more clearly. In this regard the flood zone map included as Map 3 of the draft LAP should be overlaid with the proposed zoning map.

Observation 7

The planning authority is requested to strengthen flood risk management policies within the Local Area Plan as flood risk is prevalent in the plan area and there are several sites within the plan boundary that will be the subject of site-specific flood risk assessment. For ease of

reference and clarity, it is also requested that the proposed zoning map is overlaid with the flood zone map included as Map 3 of the Draft Plan.

5. **Employment**

A key principle underpinning the draft Plan is the pursuit of sustainable economic development opportunities to provide for an increase in the number of jobs based in the town. In this regard, the draft LAP projects an increase in employment of 1,330 persons to the end of the plan period and that Athy will require 53.2 hectares of undeveloped land to be zoned for employment purposes. This would deliver a projected jobs ratio target of 0.70 for the town by 2027 which aligns with policies CS 5 and CS 8 of the development plan (as varied).

Therefore, the draft LAP promotes a better balance between jobs and town's population and facilitates employment growth in Athy at a scale appropriate to the level of population and housing growth. The Office welcomes this approach which is considered to be generally consistent with economic policies in the RSES and development plan.

6. **Matters requiring clarification**

As part of its evaluation and assessment of the draft LAP, the Office has identified a number of apparent discrepancies between the draft LAP and the supporting reports and assessments informing the draft LAP.

Section 4.4 of the draft LAP is based on the recommendations from the Athy Social Infrastructure Audit which sets out a very thorough assessment of social infrastructure in the town. The audit notes that the primary schools in Athy are nearing capacity, while secondary schools were found to be overcapacity, with Athy Community College relying on prefab classrooms. It is noted that the draft LAP does not identify a need for additional school facilities, which appears to be inconsistent with objective HCO3.1 which states:

Support and facilitate improvements to existing primary schools and secondary schools to resolve current capacity issues and facilitate forecasted future growth.

The Office acknowledges and welcomes the environmental report that has been completed in accordance with the provisions of the Act and the Strategic Environmental Assessment regulations. It is noted however that there appears to be some inconsistencies in commentary between the

Draft LAP and environmental report in relation to wastewater and town centre residential capacity. In this regard, the environmental report highlights that there is remaining wastewater treatment capacity of 2,102 population equivalent (PE), which is somewhat inconsistent with the statement in Chapter 10 of the draft plan which states:

*'it will be necessary to extend the plant to beyond 15,000 PE before 2027 to meet the envisaged additional domestic and non-domestic demand within the town.'*⁵

It is noted that surface water quality is identified as an issue in the draft LAP, with the River Barrow along with the Corrán Árd stream recorded as having 'poor' water quality status. Since the wastewater treatment plant in Athy is discharging to this river which is also a European Site, the planning authority is advised to review any consistency between the draft LAP and supporting environmental report regarding this issue.

The environmental report for the draft LAP identifies 8 central sites as vacant or underutilised within the town centre with potential to provide 149 housing units. This is inconsistent with the residential capacity table in Section 3.4 of the draft LAP which identifies a residential capacity of 59 units in the town centre.

Observation 8

The planning authority is requested to address the following apparent inconsistencies between the draft Local Area Plan and the supporting reports and assessments informing the plan:

- i) The recommendations in the Social Infrastructure Audit and objective HCO3.1 regarding the need for additional school facilities in the town. The planning authority is advised to consult with the Department of Education and Science;
- ii) The statements in the draft Local Area Plan and environmental report regarding the remaining wastewater treatment capacity available and the need and timing for the upgrade of same, and any consequent implications for surface and ground water quality. The planning authority is advised to consult with Irish Water. The planning authority is advised to consult with Irish Water.
- iii) The findings in the draft Local Area Plan and environmental report regarding the potential capacity for housing units in the town centre.

⁵ Page 104 of the Draft LAP

In summary

Arising from the foregoing evaluation and assessment of the Draft Athy Local Area Plan 2021-2027, the Office concludes that no recommendations are warranted since the local area plan is generally consistent with the RSES, current development plan and relevant section 28 guidelines.

The Office requests that your authority addresses the observations outlined above, which are made in the context of the provisions of section 31AO(3)(a) of the Act, and to enhance the local area plan's consistency with relevant national and regional policy obligations, guidelines and legislative requirements.

Your authority is required to notify this Office within **five working days** of the making of the local area plan and send a copy of the written statement and maps as made, in accordance with section 31AO(5) of the Act. **Please note that this statutory timeline differs from the requirement for other consultees and must be complied with.**

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through plans@opr.ie.

Is mise le meas,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a horizontal line under the name.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
