



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

23 August 2021

Senior Executive Officer,
Planning Department,
Kildare County Council,
Áras Chill Dara,
Devoy Park,
Naas,
Co. Kildare,

Re: Material alterations to the Draft Naas Local Area Plan 2021-2027

A chara,

Thank you for your authority's work in preparing the material alterations to the draft Naas Local Plan 2021-2027 (the draft Plan).

As your authority will be aware, one of the key functions of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the material alterations to the draft Plan under the provisions of sections 31AO(1) and (2) of the Planning and Development Act, 2000, as amended (the Act), and within the context of the Office's earlier recommendations and observations.

As outlined in the submission to the draft Plan, the Office considered the draft Plan to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area, and recommended changes to enhance its alignment with national and regional policies, and for consistency with the core strategy of the County Development Plan, *Section 28 Guidelines* and the *NTA Transport Strategy for the Greater Dublin Area (2016-2035)*.

In this regard, the Office acknowledges that the Chief Executive's (CE's) report on submissions accepted the majority of recommendations and observations of the Office and

recommended changes in response to the issues raised. The Office in particular welcomes the extensive work that has been undertaken in relation to flood risk management in the material alterations. Recommendation 2 of the Office's submission on the draft Plan (30 May 2019) has been largely addressed through the revised SFRA, the proposed amendments to land use zoning objectives, and the inclusion of appropriate policy objectives. However there are some issues that need to be resolved in order to ensure that the final plan appropriately protects people and property into the future.

The material alterations have also addressed Recommendation 1 (Climate Action and Modal Share Targets) of the Office's submission on the draft Plan through the provision of modal share targets for the plan period. Indeed, the work carried out by the planning authority in preparing the Naas / Sallins Transport Strategy, and the positive policies of the plan for active and sustainable modes will assist the planning authority in achieving significant mode share for walking and cycling and, in this context, the relevant modal share in Table 5.1A should be considered as minimum targets.

The Office also welcomes the greater clarity provided in the revised Core Strategy table. The material alterations to increase the quantum of residential zoned land have, however, resulted an inconsistency with the core strategy targets for Naas set out in the County Development Plan, and this needs to be addressed in the adopted plan.

The planning authority is advised that section 20(3)(n) of the Act provides the members of the planning authority with scope to make a further modification to an alteration subject to the limitations set out in subsections (p) and (q).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

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.

The submission below sets out four recommendations and four observations under following five key themes:

1. Core strategy and housing supply targets;
2. Economic development and employment;
3. Sustainable transport and accessibility;
4. Flood risk management; and
5. Environmental assessments

1. Core strategy and housing supply targets

As referenced above, the Office welcomes the greater clarity provided by MA 1 in relation to providing details of the land area proposed to be zoned New Residential (Objective C), the density assumptions and the anticipated housing yield. However, Table 3.5 calculates the total housing yield for the plan period between as 1,800 and 2,222 units, which is significantly above the 1,147 units which remain to be delivered over the plan period in line with the Core Strategy in the County Development Plan.

This exceedance appears to arise in part from the application of appropriate densities to the proposed land use zonings consistent with the relevant section 28 guidelines, and also from proposed material amendments to the land use zoning objectives including MA 73 for site C(5) and MA 71 for site C(12) which are proposed as New Residential Phase 1. In order to ensure that the local area plan is consistent with the core strategy of the County Development Plan as required by section 19(2) of the Act, these new zonings should therefore be removed.

MA Recommendation 1

MA Recommendation 1 – Core strategy and housing targets

Having regard to section 19(2) of the Act which requires that the local area plan be consistent with the core strategy of the County Development Plan, the planning authority is required to remove proposed amendments MA 71 (site C12) and MA 73 (site C5).

2. Economic development and employment (MA 72)

Proposed amendment MA 72 extends the LAP boundary and amends the zoning objective from 'not zoned' to 'F(4): Open Space and Amenity Zoning' with specific objective for centre of excellence for equine or sport (c.12.3ha). While the specific nature of this zoning objective, and the general policy objectives that would apply, provide appropriate constraints in terms of any future development, this is a rural area on the periphery of the town and the creeping expansion of the boundary has the potential to undermine the objectives for compact growth set out in National Strategic Outcome 1 of the NPF and Regional Strategic Outcome 2 of the RSES. Careful regard should be had to this issue in terms of any future extension to the settlement boundary or in relation to a different zoning for the subject lands.

3. Sustainable transport and accessibility

3.1 Recommendation 1 on the draft Plan (Climate Action & Modal Share Targets)

In relation to the modal share targets set out in Table 5.1A, the Office acknowledges that these targets must be realistic and achievable over the plan period. Given the strong commitment of the planning authority to sustainable settlement and transport patterns as evidenced not only by the Naas Transport Strategy, but also the Athy Area Based Transport Assessment, the Office considers that the modal share for cycling and walking could be reasonably set as minimums, and that the modal share for all trips could be increased to 10% for cycling in line with *Smarter Travel: A Sustainable Transport Future*.

MA Observation 1

MA Observation 1 – Climate Action & Modal Share Targets

Having regard to *Smarter Travel: A Sustainable Transport Future* and the guiding principles expressed in the transport strategy for the RSES, and in particular the behavioural change interventions promoted to encourage and support a shift to sustainable modes of transport, the planning authority is requested to:

- (i) revise the modal share targets for walking and cycling in Table 5.1A for the plan period to minimum targets; and
- (ii) increase the minimum modal share target for cycling to 10% of all trips in line with *Smarter Travel: A Sustainable Transport Future*.

3.2 Observation 2(b) Car Parking Standards

Observation 2(b) of the submission made by the Office on the draft Plan requested that Objective MTO4.1 be amended to clarify that the residential car parking standards promoted are maximum limits for the purpose of consideration of residential applications in Naas. The Office notes the rationale in the CE's report for not making this change, and in particular with regard to consistency with the Development Plan. However, the adoption of maximum car parking standards in the forthcoming review of the Development Plan will be important in the context of climate action, and the adoption of maximum parking standards in Development Plan may require the LAP to be subsequently amended.

3.3 Maudlins Interchange (MA 25 and MA 46)

Proposed amendments MA 25 and MA 46 delete the requirement to consult with TII and NTA on the masterplan (Objective EDO 1.4) and traffic modelling (Objective URD 1.12) for the regeneration and redevelopment of the T(1) zoned lands at the former Donnelly Mirrors and Cemex Concrete sites to the east of the Dublin Road roundabout at Junction 9 (Maudlins).

This has possibly arisen from a misunderstanding of TII's observation which indicates that TII would not be available for consultation with a third party (*i.e.* a developer). In view of the scale of the lands concerned and the potential to adversely affect the M7/N7 at Junction 9, these matters should be agreed between the planning authority and TII and NTA in order to reduce the potential adverse impact on the national road network and to best provide for an integrated approach to land use transport planning of the site.

MA Recommendation 2

MA Recommendation 2 – Sustainable transport and accessibility

Having regard to the location of the regeneration and redevelopment lands adjacent to Junction 9 of the M7/ N7 (Maudlins) and the requirements under section 2.7 of the *Spatial Planning and National Roads Guidelines*, the planning authority is required to amend Objectives EDO 1.4 and URD 1.12 to provide for consultation between the planning authority and the TII and NTA.

3.4 Roads Objectives (MA 21, MA 23 and MA 22)

Proposed amendment MA 21 includes a possible future route through Jigginstown – extending the route indicated in the draft LAP through lands zoned ‘P:Data Centre’. No evidence basis has been provided to support this objective which extends outside of the settlement boundary and has not been subject to any transport assessment. Furthermore, it is not consistent with the zoning objective which does not facilitate development of a type that would provide a rationale for such a route, or be consistent with the objectives for compact growth set out in National Strategic Outcome 1 of the NPF and Regional Strategic Outcome 2 of the RSES.

Proposed amendment MA 23 (to investigate the feasibility of an outer relief road) represents the continuation of the roads and car- based approach to planning, and which must be carefully considered in terms of the reduction in GHG emissions and climate action consistent with NPO 54. In this context, the justification for this objective is not evident.

Proposed amendment MA 22 inserts detailed objective MTO 3.3 for the redesign of Gallops Avenue which requires the redesign to ‘*take account of best practice design guidance...such as DMURS*’. *The Design Manual for Urban Roads and Streets (DMURS)* is, however, the adopted road standards of the Department of Transport and the Department of Housing, Local Government and Heritage and is mandatory within urban areas where the 60kph speed limit or lower applies. The wording of MTO 3.3 should therefore be amended to reflect same.

MA Recommendation 3

MA Recommendation 3 - New Roads (MA 31 and MA 23)

Having regard to National Strategic Outcome 1 (compact growth) and NPO 54 (reduction in greenhouse gas emissions) of the NPF and Regional Strategic Outcome 2 of the RSES, the planning authority is required to remove proposed amendments MA 21 (possible future route through Jigginstown) and MA 23 (to investigate the feasibility of an outer relief road).

MA Observation 2

MA Observation 2 – DMURS

The *Design Manual for Urban Roads and Streets* (DMURS) is the adopted road standards of the Department of Transport and the Department of Housing, Local Government and Heritage and is mandatory within urban areas where the 60kph speed limit or lower applies. The planning authority is requested to amend the wording of MTO 3.3, as inserted by proposed amendment MA22, to require that the redesign of the Gallops Avenue complies with the *Design Manual for Urban Roads and Streets* (DMURS).

4. Flood Risk Management

The Office welcomes the planning authority's comprehensive response to Recommendation 2 of the Office's submission on the draft Plan in respect of land zoned in flood zones. The outstanding areas of concern are detailed below.

4.1 Rezoning of land within the Northwest Quadrant (MA 61)

Proposed amendment MA 61 changes the zoning objective for lands within the Northwest Quadrant from 'SR: Strategic Reserve lands' to 'C: New Residential Phase 2', 'K: Commercial / Retail' and 'E: Community and Education' contrary to the recommendation of the SFRA. The SFRA advises that the SR zoning be maintained until completion of the updated flood mapping and the sequential approach can accurately be applied. The SEA also identifies that this proposed amendment has the potential to result in a negative impact on environmental factors. Furthermore, a Justification Test has not been carried out for the highly vulnerable *New Residential Phase 2* zoning located in Flood Zone A and B.

The proposed amendment is, therefore, considered to be premature and inconsistent with the *Flood Risk Management Guidelines for Planning Authorities* (2009).

MA Recommendation 4

MA Recommendation 4 - Flood Risk Management: lands within the Northwest Quadrant (MA 61)

Having regard to the *Flood Risk Management Guidelines for Planning Authorities* (2009) the planning authority is required to remove proposed amendment MA 61 in respect of zoning for vulnerable development in Flood Zone A and B.

4.2 Recommendation 2(b) 'Q: Enterprise and Employment' zoned land in flood zone

The Office welcomes proposed amendment MA 57 rezoning 'Q: Enterprise and Employment' Q (3) lands at flood risk as 'F: Open Space and Amenity' in response to Recommendation 2(b) of the Office's submission on the draft Plan. There is still, however, an undeveloped area on the periphery of Naas Town, identified as Q (2), which was also referenced in Recommendation 2 (item (b)) and has not been rezoned. Notwithstanding the Justification Test carried out, consideration should be given to amending the zoning in Flood Zone A to a water-compatible zoning, such as Open Space.

MA Observation 3

MA Observation 3 – Flood Risk Management: Q (3) lands

Having regard to the *Flood Risk Management Guidelines for Planning Authorities* (2009), and the undeveloped and peripheral location of the land identified as Q (3), the planning authority is requested to amend the zoning for that part of land which is located in Flood Zone A to a water-compatible zoning, such as Open Space.

4.3 Surface Water Management

The Office also welcomes the requirement for a surface water management plan with opportunities for SuDS to manage runoff on the Northwest Quadrant land (proposed amendment MA 45). *The Flood Risk Management Guidelines*¹, however, advise that the SFRA provides guidance on the likely application of different SuDS techniques to manage runoff at key development sites and to identify where integrated and area-based SuDS and

¹ Section 1.6 Technical Appendices, *Flood Risk Management Guidelines for Planning Authorities* (2009).

green infrastructure are appropriate. The identification of these measures at the plan stage will avoid reliance on individual site solutions at the planning application stage, and provide greater clarity and a more co-ordinated approach to future development.

MA Observation 4

MA Observation 4 – Surface Water Management

Having regard to the *Flood Risk Management Guidelines for Planning Authorities (2009)*, the planning authority is requested to review the SFRA to provide guidance on the likely application of different SuDS techniques to manage runoff on the Northwest Quadrant land and to identify where integrated and area-based SuDS and green infrastructure are appropriate.

5. Environmental Assessments

The Office is not a competent authority for strategic environmental assessment which is the responsibility of the planning authority. The Office notes, however, that a Non-Technical Summary has not been included as part of the environmental report as required in accordance with Schedule 2B of the *Planning and Development Regulations (2001)*.

Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the Chief Executive shall inform the Office and give reasons for this decision.

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, slightly slanted style.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
