



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

**DP-023-22**

24<sup>th</sup> May 2022

Senior Executive Officer,  
Planning Department,  
Kildare County Council,  
Áras Chill Dara,  
Devoy Park,  
Naas,  
Co. Kildare  
W91X77F.

**Re: Draft Kildare County Development Plan 2023-2029**

A chara,

Thank you for your authority's work in preparing the draft Kildare County Development Plan 2023-2029 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context. In particular, the Office strongly commends the emphasis on addressing the needs of climate change throughout the draft Plan, in particular the emphasis on promoting a shift to more sustainable travel patterns. The planning authority is also commended for the evidence-based approach supporting the policies and objectives in the draft Plan such as for rural housing and landscape character assessment.

The Office would like to congratulate the planning authority on overall presentation and layout of the draft Plan and supporting documents, which provide a comprehensive strategy for the proper planning and sustainable development of the county.

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 Plan 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.

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.

A submission also 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.

## **Overview**

The draft Plan is being prepared at a crucial time following the preparation of the National Planning Framework (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES), which seek to promote the rebalancing of regional development in a sustainable manner. The draft Plan has proactively embraced many of the challenges and opportunities identified in the NPF and the RSES through its focus on delivering sustainable population and employment growth within the Metropolitan Area Strategic Plan (MASP) and Key Towns of Maynooth and Naas.

The planning authority is strongly commended for the extent of policy direction and guidance on a wide range of issues in particular those relating to economic development, tourism, rural housing and climate action.

The Office also commends the planning authority for the innovative approach to community engagement and public consultation, and in particular the use of the virtual consultation room and podcasts.

While the Office welcomes the policies and objectives which support compact growth and regeneration and directing growth to the larger towns within the settlement hierarchy, this has not fully translated across to the settlement zoning maps for smaller settlements some of which provide for a significant surplus of zoned lands in comparison to that required to meet the housing supply needs in the core strategy.

In this situation, there is danger that development will occur in a less sustainable manner, and in more peripheral locations further from facilities and services.

Similar issues arise in relation to the absence of an updated zoning map for Kilcullen and the need to prioritise the review of the Local Area Plan for Clane.

The Office welcomes the extent of policy direction for economic development in the draft Plan, which has been informed by the *Kildare 2025 Economic Development Strategy* and includes an economic development hierarchy with sectoral opportunities and supporting objectives for each tier of the hierarchy.

The planning authority will also be aware that the Office's evaluation of the plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change.



It is within this context the submission below sets out 13 recommendations and 5 observations under the following [number] themes:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#">Core strategy and settlement strategy</a>	<a href="#">Recommendation 1</a> , <a href="#">Recommendation 2</a>	<a href="#">Observation 1</a>
<a href="#">Sustainable Development</a>	<a href="#">Recommendation 3</a> , <a href="#">Recommendation 4</a> , <a href="#">Recommendation 5</a> , <a href="#">Recommendation 6</a> , <a href="#">Recommendation 7</a> , <a href="#">Recommendation 8</a> , <a href="#">Recommendation 9</a> , <a href="#">Recommendation 10</a>	
<a href="#">Housing Strategy and relevant policies</a>		
<a href="#">Rural Housing and Regeneration</a>		<a href="#">Observation 2</a>
<a href="#">Economic Development and Employment</a>		
<a href="#">Sustainable Transport and Accessibility</a>	<a href="#">Recommendation 11</a>	
<a href="#">Climate Action and Renewable Energy</a>	<a href="#">Recommendation 12</a>	<a href="#">Observation 3</a> , <a href="#">Observation 4</a>
<a href="#">Flood Risk Management</a>	<a href="#">Recommendation 13</a>	<a href="#">Observation 5</a>
<a href="#">Environment, Heritage and Amenities</a>		
<a href="#">Implementation and Monitoring</a>		



## **1. Core Strategy and Settlement Strategy**

### **1.1 Housing and population targets**

The Office considers the total county population projections for the plan period in the core strategy to be generally consistent with the population prescribed for County Kildare in the RSES and the NPF Implementation Roadmap.

The planning authority is also commended for preparing the housing supply target (HST) for the six-year plan period in accordance with the *Housing Supply Target Methodology for Development Planning (2020)*, and apportioning these across the various settlements in the county settlement hierarchy.

### **1.2 Core Strategy Table**

The Office has reviewed the information presented in core strategy table 2.8 having regard to the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021) (Draft Development Plans Guidelines (2021))* and considers that table 2.8 lacks important information to assist in determining the overall appropriate quantum of zoned land for housing in the larger settlements.

In particular, table 2.8 does not identify / quantify the following:

- the extent of lands zoned B: Existing / Infill Residential in each settlement or the potential yield from same consistent with section 10(2A)(c) of the *Planning and Development Act 2000, (as amended)*
- the shortfall / excess of zoned lands in each settlement consistent with the sample core strategy table in the appendix to the above draft guidelines
- the potential housing yield from key settlement consolidation sites in the larger towns (tier 4) which would contribute to compact growth.



### Recommendation 1 – Core Strategy Table

In accordance with section 10(2A)(c) of the Planning and Development Act 2000, (as amended) and having regard to National Policy Objective 3c and the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (2021), the planning authority is required to amend table 2.8 of the core strategy to include the following:

- (i) The area of land zoned B: Existing Residential / Infill in hectares and potential housing yield from same for the settlements at tiers 1 to 4 of the settlement hierarchy;
- (ii) An additional column which outlines shortfall / excess of zoned residential land for the settlements at tiers 1 to 4;
- (iii) The potential housing yield from key settlement consolidation sites in the larger towns (tier 4) which would contribute to compact growth. Part (iii) of this recommendation should also take account of Recommendation 8.

The planning authority is advised to amend the title of table 2.8 to Core Strategy Table.

The Office also notes that the housing allocation to tier 5 (Villages) and tier 6 (Rural Settlement) of 366 and 137 housing units respectively are lower than the housing allocation figures in table 3.2 in Volume 2 of the draft Plan. This matter can be clarified by the planning authority at the material amendments stage.

### Observation 1 – Housing allocations for tiers 5 and 6

The planning authority is requested to clarify the variance in the housing allocations for tier 5 (Villages) and tier 6 (Rural Settlement) as set out in table 2.8

in Volume 1 and table 3.2 in Volume 2 of the draft Plan and make adjustments where necessary to address the matter.

### 1.3 Settlement Hierarchy and distribution of growth

The Office acknowledges the background analysis of existing physical, social and community infrastructure in each settlement, which informed changes to the county settlement hierarchy. The Office notes the changes to the settlement hierarchy in respect of Narraghmore, Clogherinkoe, Kilkea and Maddenstown and has no comments to make regarding same.

With the exception of Clane, it is considered that the settlement hierarchy is acceptable and consistent with the approach advocated for in the RSES.

Clane has, however, been elevated from tier 4 'towns' to tier 3 'self-sustaining' towns with Celbridge, Kilcock and Monasterevin. It is noted that Variation 1 to the Kildare County Development Plan 2017 – 2023 (to align with NPF and RSES) positioned Clane at tier 4 (towns) in the county settlement hierarchy.

- The Office considers, however, that the planning authority has provided insufficient justification to support the designation of Clane as tier 3 'self-sustaining town' and has serious concerns for the following reasons: Unlike the other self-sustaining towns at tier 3, Clane is not served by rail or an alternative high quality public transport corridor
- Clane has a low ratio of jobs to resident workers of only 0.377, which indicates high levels of out bound commuting and a weak employment base.
- The Clare Local Area Plan 2017 – 2023 refers to Clane as a 'Small Town' and states that *'the rate of growth should be controlled...'*
- No settlement capacity audit or similar has been provided to demonstrate that it meets the criteria for tier 3 self-sustaining town.
- Rapid recent population growth, extent of Strategic Housing Development (SHD) applications approved for over 1,000 housing units and potential to breach NPO 9.



There is a real danger, therefore, that Clane will grow a rate that is disproportionate to the capacity of its social and physical infrastructure to meet the needs of the community, and will result in car dependant travel patterns contrary to the national strategic outcomes in the NPF for sustainable mobility and the transition to a low carbon and climate resilient society.

## Recommendation 2 - Designation of Clane in the Settlement Hierarchy

Having regard to:

- (a) NPO 33 and the prioritisation of new homes at locations that can support sustainable development and at an appropriate scale;
- (b) NPO 53 and the need to reduce the rate of land use change from urban sprawl;
- (c) NPO 54 climate action and the requirement for the promotion of sustainable settlement and transportation strategies under section 10(2)(n) of the Act;
- (d) the settlement hierarchy adopted in Variation 1 to the Kildare County Development Plan 2017 – 2023, which designates Clane as tier 4 (Towns);
- (e) the guidance in the Regional Spatial and Economic Strategy on settlement typologies (sections 4.2 and 4.3);
- (f) the absence of a rail station or high quality public transport corridor serving the town; and
- (g) the low ratio of jobs to resident works and recent rapid increase in population,

the Office considers that there is insufficient justification to designate Clane as a tier 3 self-sustaining town in the county settlement hierarchy. The planning authority is required to amend the settlement hierarchy in the development plan to include Clane in tier 4 (Towns).





In respect of the distribution of future growth, approximately 84% of the county's HST / population allocation is allocated to the county's towns with the balance of 15.6% allocated to the villages, rural settlements, open countryside and Blessington Environs.

Overall, it is considered that the HST / population allocations in the settlement hierarchy are appropriate for each tier and there is sufficient future housing growth directed to the larger urban settlements.

Of note, the core strategy allocates 35% (3,270 housing units) of the county's HST for the plan period to the four towns in the MASP area including Maynooth, Leixlip, Celbridge and Kilcock.

Further, the Key Towns of Naas and Maynooth are allocated approximately 15% and 11% of the county's HST respectively with an additional MASP allocation of 10,000 population for Maynooth consistent with NPO 68.

## **2. Sustainable Development**

The Office welcomes the clear policy intent in the draft Plan to direct growth to the larger settlements, provide for sufficient zoned and appropriately serviced land and to promote compact growth and regeneration.

In this regard, the Office notes the reduction in land zoned C: New Residential in most settlements from that provided for in current development plan, which has clearly been informed by matters such as compact growth and flood risk analysis.

The Office commends the planning authority for the extent of policies and objectives which promote sustainable settlement and transportation strategies in urban and rural areas and reductions in greenhouse gas emissions in accordance with Section 10(2)(n) of the Act.

The Office has, however, identified a number of cases where the approach to ensuring a sufficient supply of housing lands to meet the housing needs for certain settlements is not fully aligned with the core strategy of the draft Plan, and/ or national and regional policy.



## 2.1 Residential Land Use Zoning in Towns

The Office has reviewed the residential zoned land requirement, which is informed by the housing supply target for each settlement / tier against the individual zoning maps contained in Volume 2.

While the Office acknowledges the reduction in C: New Residential zoned lands in many settlements and zoning changes from the current development plan to account for constraints such as flood risk, significant surpluses of residential zoned land remain in many of the towns.

In this regard, section 4.4.3 of the *draft Development Plan Guidelines (2021)* recognises that it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses) over and above the projected housing demand for a settlement.

There is, however, no automatic presumption of Additional Provision land or sites to meet housing supply targets in any development plan and where a planning authority considers this mechanism to be necessary in respect of a particular settlement, the *draft Development Plan Guidelines (2021)* require the extent of the Additional Provision to be clearly identified, quantified and explained in the core strategy.

Any additional land zoned under the 'Additional Provision' mechanism must also be consistent with certain planning criteria, including infrastructure capacity within the plan period, sequential development patterns, Town Centre First principles, proximity to services and facilities and the need to reduce carbon emissions.

The settlements with the greatest surplus of zoned residential lands relative to the requirement identified in the core strategy include Clane, Kilcullen, Kill, Prosperous, Derrinturn and Blessington. Kilcullen and Clane are addressed separately below.

### 2.1.1 Kill, Prosperous, Derrinturn and Blessington

It is noted that some of the lands zoned C: New Residential in Kill, Prosperous, Derrinturn and Blessington are peripheral with C and SS zoned land in Prosperous partially affected by flood risk and undeveloped lands close to the centre of



Derrinturn affected by flood risk. It is further noted that the wastewater treatment plant serving Derrinturn has no headroom.

It is considered that these matters should be addressed having regard to section 1.3.5 (Excess Zoned Residential Lands) in the *draft Development Plans Guidelines (2021)* and section 4 of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* and NPO 3c which promotes compact growth.

### **Recommendation 3 - Residential land use zoning Kill, Prosperous, Derrinturn and Blessington**

Having regard to the core strategy's housing supply target for Kill, Derrinturn, Prosperous and Blessington and the extent of lands zoned C: New Residential / SS: Serviced Sites in comparison to the zoned land requirements for each settlement in table 2.8, the approach to ensuring sufficient provision of housing lands under section 4.4.3 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)*, section 1.3.5 (Excess Zoned Residential Lands) also of these draft Guidelines, section 6.2.3 sequential approach to development also of these draft Guidelines, NPO 3c and RPO 3.2 regarding compact growth, NPO 72c regarding servicing of zoned land, and NPO 57 and section 4 of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, the planning authority is required to review and where required reduce the extent of lands zoned in these settlements to meet the housing supply needs in these settlements.

The planning authority is advised to consult with the Office of Public Works regarding zonings that permit vulnerable uses within the identified flood risk assessment areas and Irish Water regarding the absence of headroom in the wastewater treatment plant serving Derrinturn.



### 2.1.2 Kilcullen

While the Office acknowledges the intent of the planning authority to prepare a new local area plan (LAP) for Kilcullen, it notes that the current LAP, which was prepared and adopted during the period of the Kildare County Development Plan 2011 – 2017 and has now expired, provides for a housing unit target of 709 units with approximately 24 hectares of lands zoned C: New Residential.

The core strategy in the draft Plan, however, provides for a significantly reduced housing supply target over the 2023 – 2039 plan period. There is a risk, therefore, that any zoning objectives in the LAP are not consistent with the core strategy and may result in development coming forward that is not consistent with compact growth and sequential development.

#### Recommendation 4 - Zoning map for Kilcullen

Having regard to the fact that the local area plan was prepared and adopted for Kilcullen during the period of the Kildare County Development Plan 2011 – 2017 and has now expired, the extent of lands zoned C: New Residential in comparison to the zoned land requirement to meet the housing supply target for the settlement in table 2.8 of the Draft Kildare County Development Plan 2023 - 2029, the planning authority is required to include a zoning map for Kilcullen, which specifically addresses section 1.3.5 (Excess Zoned Residential Lands) in the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)* and the requirements for compact growth (NPO 3c) and sequential approach to development (section 4.4.3 of the draft Guidelines).

### 2.1.3 Clane

The Clane Local Area Plan 2017 – 2023 provides details of Clane’s role, its historical population growth and appropriate future growth. It is noted that the LAP refers to Clane as a ‘Small Town’ and states that *‘the rate of growth should be controlled to limit pressure on services, the environment and unsustainable commuting patterns...’*



It is further noted that Clane recorded a population of 7,280 in 2016 and the population has therefore quadrupled since 1991.

In respect of the extent of land zoned for residential in Clane, section 4.1 of the Clane LAP 2017 – 2023 states the following:

*‘...The Clane Local Area Plan includes a total of 49.1 hectares of undeveloped residentially zoned land. The housing capacity of these lands is estimated to be c. 1,026 residential units (Table 4.1 refers). This capacity is adequate to deliver the Core Strategy allocation of 780 housing units over the Local Area Plan period and includes additional capacity for 246 housing units...’*

The Office notes that a number of SHD applications have been approved in Clane which could provide for over 1,000 housing units.

Having regard to the extent of lands zoned for residential in the LAP which far exceeds the residential zoned land requirement for the plan period, the quantum of housing units with the benefit of planning permission, and recent population growth trends, there is a high probability that Clane’s 2016 population will exceed 30% before 2040 and therefore breach NPO 9.

It is considered, therefore, that the draft Plan should prioritise the review of the current LAP to address surplus zoned residential lands that are not required to meet the housing supply needs of the town for the plan period. In this respect, it is noted that core strategy objective CSO 1.9 does not include Clane in the list of LAPs to be reviewed.

### **Recommendation 5 - Clane Local Area Plan**

Having regard to the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)* in particular section 1.3.5 regarding excess zoned residential lands, the extent of land zoned for residential development in the Clane Local Area Plan (LAP) 2017 – 2023, the planning authority is required to include an objective in Chapter 2 to prioritise the review of the LAP to address surplus zoned residential lands that are not required to meet Clane’s housing allocation for the

plan period. This is also required to ensure that the town's population does not exceed 30% above 2016 population levels by 2040 consistent with NPO 9 of the National Planning Framework.

## 2.2 Residential Land Use Zoning in Villages and Rural Settlements

The Office welcomes the inclusion of zoning plans for the villages and rural settlements. The Office's has assessed the zoning plans in respect of key zoning changes from the Kildare County Development Plan 2017 – 2023, flood risk, capacity / absence of wastewater treatment and compact growth.

While the housing supply target of 366 units for the tier 5 villages indicates a requirement for between 24.4 ha and 36 ha of zoned residential lands using a density range of 10-15 units per hectare, the zoning maps provide for approximately 62 ha of C: New Residential zoned lands and approximately 9 ha of further land for SS: Serviced Sites.

Regional Policy Objective (RPO) 4.83 of the RSES which relates to rural areas is of relevance. Its states '*Support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans*'.

The Office notes that lands are zoned for vulnerable uses in the following villages – Ballitore (B: Existing / Infill); Ballymore Eustace (B: Existing / Infill); Johnstown (C: New Residential); Kildangan (B: Existing / Infill); Suncroft (B: Existing / Infill) and Timolin (A: Village Centre). The Office also notes that the wastewater treatment plant serving Allenwood has no capacity.

To address the surplus of zoned lands in the villages, the planning authority is advised to review the zoning maps to omit / rezone lands affected by flood risk and reduce the extent of zoned residential lands in particular where the zoned lands are peripheral and where there are significant wastewater capacity constraints.

## Recommendation 6 – Residential land use zoning in tier 5 villages

Having regard to the core strategy for the plan period and the extent of lands zoned for New Residential (c. 62 ha) and Serviced Sites (c. 9 ha) across the 17 villages, NPO 72c and any wastewater capacity constraints in the villages, NPO 57 and section 4 of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, RPO 4.83 which supports sustainable development in line with the core strategy, NPO 3c (compact growth), and section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)* (sequential approach to development), the planning authority is required to:

- (i) Review the land use zoning maps and omit undeveloped lands zoned B: Existing Residential / Infill and C: New Residential that are affected by flood risk, for example the C: New Residential zoned lands at the southern edge of Johnstown;
- (ii) Review and reduce the extent of lands zoned for C: New Residential in Allenwood, Crookstown, Narraghamore, Moone consistent in light of deficiencies in wastewater treatment infrastructure;
- (iii) Review and reduce the extent of lands zoned C: New Residential in Ballintore, Ballymore Eustace, Kilmeague, Moone and Suncroft to provide for more sustainable levels of housing growth consistent with the core strategy and the requirement for compact growth and sequential development.

The planning authority is advised to consult with Irish Water and the Office of Public Works regarding the above.

While the HST allocation for the tier 6 rural settlements is for 137 housing units across 19 rural settlements, the zoning maps provide for c. 44 ha of SE: Settlement Expansion and a further c. 12.5 ha of land for SS: Serviced Sites.

RPO 4.83 is also of relevance as it supports consolidation and development proceeding at an appropriate scale and pace in line with the core strategy.



The Office notes that lands are zoned for vulnerable uses in the following villages – Staplestown (Existing Settlement and Settlement Core); Maganey/Levitstown (Existing Settlement) and Kilkea (Existing Settlement). The Office further notes that Timolin, Nurney and Rathcoffey have a current limitation on wastewater treatment capacity.

To address the surplus of zoned lands in the villages, the planning authority should review the zoning maps to omit lands affected by flood risk and reduce the extent of zoned residential lands in particular where the zoned lands are peripheral and where there are significant wastewater capacity constraints. In respect of Milltown, the planning authority should consider reducing the extent of SE zoned lands abutting the canal and proposed NHA.

#### **Recommendation 7 – Residential land use zoning – tier 6 rural settlements**

Having regard to the core strategy allocation to the tier 6 rural settlements of 137 housing units over the plan period and the extent of lands zoned for SE:

Settlement Expansion (c. 44 ha) and SS: Serviced Sites (c. 12.5 ha) across the 19 settlements, NPO 72c and wastewater capacity constraints, NPO 57 and section 4 of the *Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*, RPO 4.83 which supports sustainable development in line with the core strategy, NPO 3c (compact growth), and section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)* (sequential approach to development), the planning authority is required to:

- (i) Review the land use zoning maps and omit undeveloped lands zoned Existing Settlement and SE: Settlement Expansion that are affected by flood risk, for example the SE 2 zoned lands at the southern edge of Allen;
- (ii) Reduce the extent of lands zoned for SE: Settlement Expansion in Ardlough, Broadford, Calverstown and Rathcoffey in light of deficiencies in wastewater treatment infrastructure and to provide compact growth and consolidation;
- (iii) Review and reduce the extent of lands SE: Settlement Expansion in Cutbush (SE1 lands), Kilmead (SE1 lands) and Milltown (adjoining the canal



and proposed Natural Heritage Area) to provide for more sustainable levels of housing growth and provide for compact growth

The planning authority is advised to consult with Irish Water and the Office of Public Works regarding the above.

### 2.3 Compact Growth & Regeneration

The Office commends the planning authority on a range of policies and objectives in the draft Plan, which support compact growth and regeneration such as objectives CSO 1.5, HO O9 and HO O10.

The Office also welcomes the intent of the planning authority to prepare Urban Design Frameworks (Action UD A2) and Town Centre Renewal Masterplans (Action UD A3) and implement public realm strategies to support 'placemaking'.

While the identification of opportunity sites is welcomed, the zoning maps do not show the CSO settlement boundary or identify key settlement consolidation sites including potential yield from same in the tier 4 towns that would contribute to compact growth in these settlements. The information on key settlement consolidation sites including the potential yield from same should be included for the larger towns at tiers 1 - 4 of the settlement hierarchy. These matters are also addressed in Recommendation 1 above.

#### Recommendation 8 – Land use zoning maps

Having regard to National Policy Objectives NPO 3c and NPO 33 and the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation (2021)* in particular sections 1.3.6 and 6.4.2 regarding Settlement Consolidation Sites, the planning authority is required to amend the land use zoning maps to:

- (i) Include the CSO settlement boundary;

- (ii) Identify the key consolidation sites within the towns at tier 4, which would contribute to compact growth as relevant. Part (ii) of this recommendation should also take account of Recommendation 1.

## 2.4 Infrastructure Capacity

While the Office welcomes the infrastructural assessment in Appendix 17 and information provided on infrastructure and community / social facilities for each settlement in Volume 2, it is considered that it does not fully satisfy the Tiered Approach to Zoning in line with the requirements of NPO 72 (a, b & c) of the NPF. Specifically, the assessment provides generalised statements in relation to tier 1 and 2 lands and is not supported by maps.

### Recommendation 9 – Tiered Approach to Zoning

Having regard to NPO 72 of the National Planning Framework, the planning authority is required to refine and supplement the infrastructural assessment in Appendix 17 to provide further clarity regarding the designation of tier 1 and tier 2 lands in order to fully satisfy the tiered approach to zoning and to provide clarity regarding lands that are currently serviced, and those that are capable of being serviced within the plan period.

## 2.5 Standards and Guidelines

It is the policy of the council to promote residential densities appropriate to its location and surrounding context (policy HO P5 refers) which is supported by objectives HO O4 (ensure appropriate densities are achieved), HO O5 (encourage a strategic approach to building height) and HO O6 (encourage increased densities that contribute to the enhancement of a town or village).

The density figures as set out in Table 3.1 are generally in compliance with Specific Planning Policy Requirement (SPPR) 1 of the Urban Development and Building Height Guidelines and are welcomed by the Office.

Table 14.4 identifies appropriate locations in the county where building height will be activity pursued in accordance with SPPR1 of the Urban Development and Building Height Guidelines and NPO 35. The designation specific areas for increased height is welcomed and supported by the Office.

The Office notes that the draft Plan includes numerical standards for plot ratio in section 15.2.1 and site coverage in section 15.2.2 and minimum separation distances of 22 metres between opposing first floor windows in section 15.2.3. In this regard the planning authority is reminded of NPO 13 which supports the use of performance based criteria in development plans rather than numerical standards.

The inclusion of standards in relation to apartment sizes, storage space etc., are welcomed and are largely consistent with the standards in Appendix 1 of the *Sustainable Urban Housing: Design Standards for New Apartments' Guidelines* (2020). However, the planning authority is advised that the standards for private amenity open space in table 15.4 are not fully consistent with those in Appendix 1 of the aforementioned and should be reviewed.

### Recommendation 10 - Development Management Standards

Having regard to National Policy Objective 13 and the private amenity space standards in Appendix 1 of the *Sustainable Urban Housing: Design Standards for New Apartments' Guidelines* (2020), the planning authority is required to

- (i) Review and amend the site coverage and plot ratio standards and minimum separation distances between opposing windows and instead focus on assessing individual development proposals on performance based criteria dependent on location and individual site characteristics in accordance with the provisions of NPO 13.

- (ii) Review and amend the private open space standards in table 15.4 of the draft Plan to ensure they are consistent with the private amenity space standards in Appendix 1 of the aforementioned guidelines.

### **3. Housing Strategy and relevant policies**

The Office notes that it is the policy of the planning authority to have regard to the relevant section 28 guidelines such as the *Sustainable Urban Housing: Design Standards for New Apartments (2020)* (policy HO P1 refers) and accord with the provision of the NPF and RSES and Ministerial Circular relating to HSTs (policy HO P2 refers).

The Office also notes that it is the policy of the planning authority to implement with the Housing Section the HNDA (policy HO P3 refers), secure the implementation of the Kildare County Housing Strategy in accordance with national legislation and policies (policy HO O1 refers) and ensure sufficient zoned lands continues to be available (policy HO P4 refers).

The Office welcomes the policies in relation to Build to Rent Developments in accordance with SPPR 7 and 8 as set out in the *Sustainable Urban Housing: Design Standards for New Apartments' Guidelines (2020)*.

The Office also welcomes the intent to provide a wide variety of housing types that reflect and cater for the diverse housing needs of the county's population including those with specialist housing needs and to facilitate the maximum allowable provision under the Act affordable and social housing.

It is considered that the policies and objectives for housing in Chapter 3 are acceptable and provide sufficient direction on key policy areas such as promoting housing diversity and density and social / affordable housing.

## **4. Rural Housing and Regeneration**

### **4.1 Rural housing policy**

The Office commends the planning authority for the evidence based approach used to identify areas as Rural Areas Under Strong Urban Influence (Rural Category 1) and Stronger Rural Areas (Rural Category 2).

The draft Plan contains two rural area typologies (zones) which are defined on the core strategy map and map showing the rural housing policy zones in chapter 3.

The objectives for rural Zones 1 and 2 are set out on pages 75 and 76.

The draft Plan also acknowledges that updated section 28 guidelines are being prepared. In the interim, the draft Plan provides a policy to facilitate those who can demonstrate a genuine housing need and a social and/or economic need to live in the rural areas of the county.

It is considered that the objectives for Zones 1 and 2 are generally consistent with NPO 19 of the NPF. The Office advises the planning authority to consider providing a specific objective reference number for Zone 1 and 2 objectives to provide for consistency with the other objectives in the draft Plan.

Section 3.13.4 contains a range of policies e.g. HO P12 and objectives e.g. HO O50 for access and roadside vegetation. These relate to matters such as the Rural House Design Guide (Appendix 4), restricting further ribbon development, backland development sustainability principles and access.

Section 3.13.5 contains policies e.g. HO P17 promoting the reuse and sensitive restoration of existing dwellings and derelict traditional structures and reuse / adaption of existing rural building stock.

Section 3.14 provides guidance on rural residential density including thresholds and is supported by the Single Rural Dwelling Density Toolkit in Appendix 11. The Office strongly commends the planning authority for this innovative approach, which will provide guidance to applicants and decision makers on areas that have the capacity to absorb further one off dwellings.



The Office also welcomes the extent of policy and guidance provided which includes amongst others, information on environmental and technical considerations and a set of basic principles under which a rural one off house application would be considered.

Section 2.5 of the *Spatial Planning and National Roads Guidelines (2012)* states that the all development plans and any relevant local area plans must implement the policy approaches outlined on page 12 including:

*‘...Lands adjoining National Roads to which speed limits greater than 60 kmh apply: The policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant...’*

While it is acknowledged that objective TM O80 generally addresses the above policy approach, it is considered that section 3.16 – Access and Entrances would benefit from including a more explicit policy to restrict access from rural one off houses to the national road network.

#### Observation 2 – Access to national roads

Having regard to the *Spatial Planning and National Road Guidelines for Planning Authorities (2012)* and in particular the recommended policy approaches regarding access to national roads in section 2.5, the planning authority is requested to include an additional policy in section 3.16 (Access and Entrances) of Chapter 3 which restricts access to the national road network in the county regardless of the housing circumstances of the applicant.

## 4.2 Rural regeneration

The Office welcomes the policy support for ‘build your own home’ opportunities within the existing footprint of rural settlements to provide an alternative to one-off housing in the countryside consistent with NPO 18b. This is reflected in policies HO P22 and HO P23, which promote sustainable alternatives to one off housing and development on serviced sites in compliance with the council’s serviced sites initiative scheme respectively.

Of particular note is objective HO O53 to *‘Identify a series of pilot project sites...’* and action HO A7 to *‘Engage with the Department of Housing, Local Government and Heritage to leverage funding through the ‘Croí Cónaithe’ (Towns) Fund to deliver serviced sites in towns and villages to cater for sustainable alternatives...’*

Overall, the Office commends the approach to rural regeneration and the policies and objectives in section 3.13.6 in terms of the emphasis provided on supporting sustainable alternatives to one off rural housing and for identifying specific serviced sites opportunities on zoning maps in a variety of smaller settlement.

## 5. Economic Development and Employment

### 5.1 Policies and objectives for employment and retail development

The Office welcomes the extent of policy direction and guidance provided in the draft Plan to support economic development consistent with the guiding principles and regional policy objectives in the RSES.

The Office notes that the Kildare 2025 Economic Development Strategy informs and provides a strategic policy framework for Kildare’s Local Economic Community Plan and the draft Plan.

The Economic Development Hierarchy is set out in section 4.4 (table 4.1) for tiers 1 – 4 inclusive and the Strategic Development Areas in the Metropolitan Area Strategic Plan. This is a welcome inclusion and sets out the sectoral opportunities for each tier.

The Office considered that the policies and objectives for economic development and enterprise are generally consistent with the RSES and support job creation with a focus on reducing emissions and in locations that support more sustainable travel.

The Office commends the planning authority for the wide range of policies and objectives supporting amongst others, further growth of FDI and SMEs, remote working, economic clusters and the knowledge economy.

Of particular note is policy RE P12 and objectives RE O71 to RE O80 which support low carbon and green and bio-economy.

RE O14 states that it is an objective of the council to *‘Undertake, within the first 2 years from the adoption of the Plan, a Strategic Land Use, Employment and Transportation Study of north east Kildare including the Dublin Metropolitan area towns of Leixlip, (and Collinstown), Maynooth, Celbridge and Kilcock...’*

The Office strongly welcomes the inclusion of Objective RE O14 as it supports achieving critical mass and driving sustainable economic development in the MASP area of the RSES.

The retail policy context is set out in section 8.2 with references to the NPF, RSES, Retail Strategy for Greater Dublin Area, *Kildare 2025 Economic Development Strategy and Retail Planning Guidelines for Planning Authorities (2012)*.

The Office welcomes the range of policies and objectives for retail development, which support further retailing in the core retail areas, provide direction on specific issues such as expenditure leakage in Athy and reinforce objectives in the relevant local area plans. Section 8.7.3 provides policy direction for the Small Town Centres e.g. Sallins and Village Centres e.g. Kill.

It is considered that the County Retail Hierarchy is generally consistent with the Retail Hierarchy set out in Table 6.1 of the RSES.

While the planning authority has not prepared a county retail strategy as part of the draft Plan, it is considered that there is sufficient guidance and policy direction in





chapter 8, which includes a county retail hierarchy, defined core retail areas, specific policies / objectives for the larger towns and guidance / policy on specific retail uses.

## 5.2 Rural Economy & Tourism

Section 4.19 supports agriculture in the county including horticulture, forestry and rural enterprises and seeks to protect agriculture from incompatible urban developments, while Section 4.20 recognises the importance of the equine industry in the county and contains policy and objectives to protect and support the industry and its facilities.

Policy and objectives for the rural economy and rural enterprise are set out in section 9.3. Of note are objectives RD O3 and RD O78, which support a climate resilient economy and the development of renewable energy production in rural areas where appropriate respectively.

The Office also welcomes objective RD O29 which states *'Support the development of renewable energy (wind and solar) on a percentage/no more than 50% of former industrial peatlands/cutaway bogs, in appropriate locations, subject to relevant environmental assessments'*.

Section 4.21 supports tourism in the county and it is council policy (RE P15) to *'Support, promote, protect, improve, encourage and facilitate the development of tourism throughout the county as an important contributor to job creation in accordance with the proper planning and sustainable development of the area.'*

The above policy is supported by a wide range of policies and objectives, which support amongst others 'Ireland's Ancient East', greenways, blueways, heritage tourism and festivals.

The Office commends the planning authority on the extent of policy direction and support for sustainable tourism development and would like to acknowledge, in particular, the high quality of the Tourism Map provided at the end of Chapter 4.



## 6. Sustainable Transport and Accessibility

Chapter 5 – Sustainable Mobility and Transport is generally supportive and compliant with national and regional policies and section 28 Guidelines in respect of promoting active travel and sustainable modes of transport in the county.

Chapter 5 is well presented with highly commendable graphics including an overview of the key statistics relating to commuting and travel patterns in the main settlements and county.

The Office welcomes the integration of land use planning and sustainable transport through the promotion of the ‘10 minute settlement’ which seeks to ensure services and facilities are accessible within a 10 minute walk or cycle.

The draft Plan sets out ambitious targets for modal share over the plan period. It is noted that a large proportion of employment (74%) and education (50%) journeys within the county are carried out by private car. The draft Plan seeks to significantly reduce these figures over the lifetime of the plan to 50% and 40% respectively, which is welcomed, however the feasibility of achieving such a reduction over the lifetime of the plan may need to be reviewed in consultation with the National Transport Authority.

The commitment for the preparation and implementation of Local Transport Plan / transport strategies for each LAP area (objective TMA2) are essential for the development of integrated land use and sustainable transport within the county and are supported by the Office.

Chapter 15 sets out the maximum car parking standards for all land uses including residential. However, Section 15.7.8 of the Draft Plan states ‘*Other than “Residential”, parking standards are maximum standards, having regard to the need to balance demand for parking against the need to promote more sustainable forms of transport, to limit traffic congestion and to protect the quality of the public realm from the physical impact of parking*’.



The planning authority is advised to review section 15.7.8 to clarify the policy in relation to residential car parking standards to ensure that maximum standards also applied to residential development.

It noted that Table 0.9 Maximum Car Parking Standards specifies different standards for both house and apartment developments. It appears that apartment developments have a greater car parking provision at 1.5 spaces per unit compared to 1 space for each unit up to 3 bed and 1 space plus 0.5 visitor space for 4 bedrooms or greater for houses.

The planning authority is also reminded that *Sustainable Urban Housing: Design Standards for New Apartments' Guidelines (2020)* promote a significant reduction or elimination of the need for car parking in highly accessible locations.

#### Recommendation 11 - Parking standards

Having regard to National Policy Objective 13, guidance on car parking in *Sustainable Urban Housing: Design Standards for New Apartments' Guidelines (2020)*, section 10(2)(n) of the Planning and Development Act 2000, and the need promote sustainable settlement and transportation strategies, the planning authority is required to:

- (i) Review and amend the car parking standards promoted in the draft Plan (section 15.7.8) to ensure that appropriate maximum standards are included for residential uses in accordance with NPO13;
- (ii) Review and amend the car parking standard for apartment in section 15.7.8 to ensure they are consistent with the *Sustainable Urban Housing: Design Standards for New Apartments' Guidelines (2020)*.



## 7. Climate Action and Renewable Energy

### 7.1 Climate Action

It is acknowledged that the draft Plan incorporates positive policies and objectives supporting climate action as a key driver of development in accordance with NPO 52.

Generally, the overall strategy for addressing climate action in the draft Plan is welcomed and supported and is clearly set out within the plan, particularly in relation to the policies in respect of settlement hierarchy, sustainable mobility and transport and renewable energy targets which are consistent with the NPF and RSES.

It is noted however, that references to some of the relevant environmental legislation including the *Climate Action Plan (2021)* needs to be updated throughout the plan to reflect the most up to date publications.

#### Observation 3 – Draft Plan references to climate action legislation

The planning authority is requested to update references to climate action legislation in the draft Plan to refer to the *Climate Action Plan (2021)* rather than the *Climate Action Plan (2019)* and review any related contents in the draft Plan including the higher emissions reduction target of 80% to ensure it is consistent with the 2021 Act.

The Office welcomes the policy requirements and objectives in relation to the delivery and implementation of SuDS particularly Objective IN O27 which includes rural one off residential developments.

Reference to the EU Water Framework Directive, the River Basin Management Plan and the Greater Dublin Area Strategic Drainage Study are noted in accordance with NPO 57, however no reference is included of “*Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document’ (2021)*”. This guidance document sets out a more systemic and sustainable approach to the

management of rainwater and surface water in urban areas through the implementation of nature based solutions.

#### Observation 4 – Management of Rainwater and Surface Water Runoff

Having regard to NPO 57, the planning authority is requested to include reference to ‘Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document’ (2021) in the draft Plan and review of the provisions for Surface Water Management to ensure alignment of draft Plan with the aforementioned guidelines.

## 7.2 Renewable Energy

The Office welcomes the inclusion of policies and objectives in respect of a wide range of renewable energy sources including wind, solar, hydro, geo-thermal, and bio-energy in accordance with NPO 54 and 55.

In respect of national plans and policies related to renewable energy and wind energy, the planning authority is advised that reference to the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017* and the relevant strategies therein including *The National Renewable Energy Action Plan 2010 (Irish Government submission to the European Commission)*; *The Government’s Strategy for Renewable Energy 2012 – 2020 (DCENR)*; *The Government’s White Paper on Energy Policy - Ireland’s Transition to a Low Carbon Energy Future 2015-2030 (DCENR)*; and *The Government’s National Mitigation Plan, July 2017 (DCCAE)* should be included.

The Office welcomes the specific policies / objectives included for wind energy development including EC P4, EC O11, EC O12 and EC O13.

A Wind Energy Strategy forms part of the draft Plan and is presented in Appendix 2. The planning authority states that the strategy has been prepared in accordance with



the provisions of the Department of the Environment, Heritage and Local Government’s *Draft Guidelines for Planning Authorities on Wind Energy Development (2019)* and constitutes a plan led approach to wind energy development in County Kildare.

The Strategy designates areas across the county where wind energy developments are acceptable in principle, open for consideration and not normally permissible and is informed by, amongst others, the county’s Landscape Character Assessment which defines five classes of sensitivity across the county.

Overall, the Office welcomes the methodology and evidence based approach to develop the Wind Energy Strategy, which has had regard to the landscape character assessments in neighbouring counties.

However, having regard to the large area of the county where wind energy development are either ‘acceptable in principle’ or ‘open for consideration’, the Office considers that the evidence basis for the targets in section 5.1 is not clear having regard to the capacity of the county to deliver wind energy and the national targets sets out in the *Climate Action Plan 2021*.

### Recommendation 12 - Wind Energy Target

Having regard to National Policy Objective 55 of the National Planning Framework, the Specific Planning Policy Requirement in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017), and the absence of an evidence based approach to inform the wind energy target in section 5.2 of the Wind Energy Strategy and section 7.5 of the draft Plan, the planning authority is required to amend Action EC A1 to read as follows:

Prepare, within 1 year of the adoption of the County Development Plan a Sustainable Energy Climate Action Plan (SECAP) for County Kildare to **identify the target which County Kildare can contribute in delivering its share of overall Government targets on renewable energy and climate change mitigation over the plan period, and in particular wind energy production and the potential wind energy**



resource (in megawatts), and commence a variation to the County Development Plan. ~~provide a baseline analysis for Kildare and for the inclusion of measurable targets on renewable energy and climate change mitigation and adaptation.~~

## 8. Flood Risk Management

A Strategic Flood Risk Assessment (SFRA) has been prepared which is informed by *The Planning System and Flood Risk Management Guidelines* and Chapter 6 sets out policy objectives that have been integrated into the Draft Plan in order to ensure flood risk management in the County is controlled in compliance with the Flood Risk Guidelines. Objective IN O31 is welcomed and the implementation of the sequential approach to flood risk management is supported.

While the inclusion of Flood Risk Assessment areas on the land use zoning maps is welcomed, the planning authority should overlay the extent of Flood Zones A and B on the land use zoning maps for greater transparency especially since zoned land that can accommodate vulnerable uses encroaches into the defined Flood Risk Assessment areas e.g. Blessington Environs and northwest of Properous.

### Observation 5 – Flood Zones A and B

Having regard to National Policy Objective 57 and the Planning System and Flood Risk Management Guidelines (2009), the planning authority is requested to overlay the extent of Flood Zones A and B on the land use zoning maps in the draft Plan to provide for greater transparency and to inform zoning decisions. The planning authority is advised to consult with the Office of Public Works in relation to this observation.

As outlined above, areas that can accommodate vulnerable development have been zoned e.g. Johnstown and also the C: New Residential lands to the north of Castledermot. In this regard, the planning authority is advised to review the SFRA to ensure that it is fully consistent with Plan Making Justification Test contained in *the Planning System and Flood Risk Management Guidelines (2009)*.

### Recommendation 13 - Strategic Flood Risk Assessment

Having regard to National Policy Objective 57 and the Planning System and Flood Risk Management Guidelines (2009) and the Department of Environment, Community and Local Government Circular PL 2/2014, the planning authority is required to review and amend the Strategic Flood Risk Assessment in Appendix C of the draft Plan to ensure that it is fully consistent with the Plan Making Justification Test as set out in the Guidelines. The review should include all zoned lands that can accommodate vulnerable uses including those referred to specifically in Recommendations 3, 6 and 7.

The planning authority is required to omit or amend proposed zonings that do not meet the Justification Test in accordance with the provisions of the aforementioned Guidelines and Circular.

The planning authority is advised to consult with the Office of Public Works regarding this recommendation

## 9. Environment, Heritage and Amenities

The office welcomes the inclusion a number of policies and objectives in the draft Plan for the protection and conservation of the built heritage including archaeological sites, architectural conservation areas and protected structures as set out in Chapter 11.

The preparation and implementation of *County Kildare Heritage Plan 2019-2025* is welcomed, as well as the identification of Architectural Conservation Areas throughout the county.

The inclusion of protected views and prospects in relation to Castletown House and Carton House are noted and welcomed in accordance with Section 10(2)(e) of the Act. The inclusion of Scenic Routes and views as set out in appendix 7 are also supported.



Chapter 12 lists and maps the Special Areas of Conservation (SACs), Special Protection Area (SPAs), and Natural Heritage Areas (NHAs) in the county and contains policies / objectives supporting their protection and conservation. Table 12.5 lists wetland ecological sites and ranks them in terms of ecological importance. Chapter 12 also contains policies / objectives for biodiversity sites, trees, woodlands and hedgerow, waterways and riparian zones, invasive species, geological sites, green infrastructure and SUDS.

The planning authority is commended for the inclusion of green infrastructure concept maps showing inter alia, SPAs, HNAs, blueways, Coillte woodland and green corridors.

## **10. Implementation and Monitoring**

Chapter 16 “Monitoring and Implementation” and its accompanying Framework set out in Appendix 12 is a clear, well presented strategy for monitoring the progress of the development plan objectives in accordance with Section 10 of the *Draft Development Plans Guidelines (2021)*.

The use of specific actions within the draft Plan are also welcomed as part of the monitoring and implementation stage to enable measureable outcomes be assessed clearly.

The approach set out within objective MIO1 and MIO2 are welcomed and supported by the office. Objective MIO1 seeks to undertake a comprehensive, detailed monitoring and evaluation programme for the lifetime of the development plan which includes the annual monitoring report, 2 year progress report, RSES report, baseline report and SEA monitoring in an Environmental Report.

The Office highly commends the preparation of Appendix 12 “Monitoring and Implementation Framework”. The framework clearly identifies each policy, objective and action within each chapter of the plan, the overarching guiding principles which underpin its delivery including “Quality of Life, Sustainability, Climate Action, resilience and Inclusivity”, the responsible department for the implementation of the policy objective and the monitoring and evaluation method to be used.



## 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 12 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 of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

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](mailto:plans@opr.ie).

Yours sincerely,

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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Director of Plans Evaluations