Oifig an Rialaitheora Pleanála Office of the Planning Regulator

3 May 2023

OPR Ref: DP-013-23

Senior Executive Officer Planning Department Kildare County Council Naas Co. Kildare

Re: Draft Kildare Town Local Area Plan 2023-2029

A chara,

Thank you for your authority's work on preparing the draft Kildare Town Local Area Plan 2023-2029 (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.

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 Kildare County Development Plan 2023 – 2029 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, and relevant section 28 guidelines. This submission makes one recommendation and one observation. 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 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 robust evidence based approach to inform the draft LAP which includes the Kildare Town Transport Strategy, a Settlement Capacity Audit and a Social Infrastructure Audit.

The Office also commends the planning authority for including clear strategic principles (section 2.2.1) to achieve the LAP's vision, which in turn are related to specific National Strategic Outcomes of the NPF. This provides a clear line of sight between national planning policies and the key principles emanating from the LAP's vision and is particularly noteworthy aspect of the draft LAP.

The Office welcomes the focus in the draft LAP on town centre renewal and brownfield / infill development which is supported by clear policy objectives and initiatives. In this regard, Chapter 4 illustrates appropriate infill and opportunity sites for the town centre and identifies public realm improvements from the Kildare Town Renewal Masterplan.

Overview

On the whole, the Office considers that the draft LAP is generally consistent with the objectives of the recently adopted the Development Plan.

The Office also considers that the draft LAP is broadly consistent with the RSES, in particular its overall strategy to promote compact growth, target town centre renewal and

promote more sustainable travel patterns which demonstrates consistency with Regional Policy Objective (RPO) 3.3 (Compact Growth), RPO 6.12 (Town Centre Renewal) and RPO 8.6 (Local Transport Plans) respectively.

The draft LAP aims to direct the majority of future growth to zoned lands inside the CSO Settlement Boundary, which are in turn supported by sustainable transport measures. The Office has, however, a number of concerns and queries regarding the ability to service the more peripheral zoned lands adjoining the motorway interchange.

The Office also notes that there is an existing watercourse traversing the lands zoned for H: Industry and Warehousing and C: New Residential south of the motorway which may not have been adequately assessed as part of the Strategic Flood Risk Assessment accompanying the draft LAP.

It is within this context the submission below sets out (1) recommendation and (1) observation under the following seven themes:

Key theme	Recommendation	Observation
Consistency with Regional, Spatial and Economic Strategy	-	-
Consistency with Development Plan and Core Strategy	-	-
Compact Growth	-	-
Transport and Accessibility	-	Observation 1
Floodrisk Management	Recommendation 1	-
Infrastructure Capacity	-	-
Economy and Employment	-	-

1. Consistency with the Regional, Spatial and Economic Strategy

As the planning authority is aware, Kildare Town is located in the Core Region of the RSES for the EMRA and has been designated as a Self-Sustaining Growth Town, which the RSES describes 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 welcomes the LAP's vision '*To promote the social, economic and physical development of Kildare Town as a self-sustaining growth town in a compact, permeable and sequential manner...*' and the specific measures to promote economic development contained in the LAP to reach a job ratio target of 0.70.

The LAP also promotes modal shift and more sustainable travel and the protection and enhancement of key green infrastructure such as the Curragh Plains which demonstrates consistency with the guiding principles in the RSES for integration of land use and transport (page 187) and green infrastructure (page 166). In this regard, the Office commends the planning authority for including targets for modal shift and increases in tree canopy coverage which is supported by specific objectives such MTO 2.1 and NHO 4.2.

Overall, the Office is satisfied that the provisions of the draft LAP are broadly consistent with the RSES for the EMRA.

2. Consistency with Development Plan and Core Strategy

Section 19(2) of the Act also requires the LAP to be consistent with the objectives of the development plan and its core strategy. Section 3 of the draft LAP sets out how the LAP is compliant with the core strategy of the Development Plan.

The core strategy in the Development Plan has allocated a projected population increase of 1,182 with a corresponding housing supply target of 430 units to Kildare Town over the development plan period. Core Strategy Table 2.8 indicates a residential zoned land requirement of 14 ha based on a density of 35-40 units per hectare to provide for this growth.

Since the LAP will not commence until the end of 2023, the planning authority has allocated an additional 12 months population growth and housing allocation, which results in a projected population increase of 1,380 and housing supply target 502 units.

The draft LAP includes a rationale for availing of 25% additional provision as provided for in Section 4.4.3 of the *Development Plans, Guidelines for Planning Authorities (2022).* This increases the housing unit allocation to 628 units. It is noted that the additional provision refers to an existing unmet social housing demand within the town and will be provided for through the oversupply of units on sites with existing planning permissions.

2.1 Housing yield from lands zoned for residential

The Residential Development Capacity Audit (Table 3-7) estimates that the available lands zoned B: Existing Residential / Infill, C: New Residential and T: Mixed Use (Magee Barracks) in the Draft LAP provide for a total housing yield of 1,102 units¹.

The Office accepts that these lands have been subject to a Settlement Capacity Audit and have been categorised as either Tier 1 or Tier 2 consistent with the tiered approach to zoning in the NPF.

While the Office acknowledges the potential of Kildare Town exceeding its core strategy housing target over the life of the Development Plan due to historical legacy zonings and extant permissions for residential development, the Office considers, on balance, that the draft LAP includes a reasonable and pragmatic approach to address the surplus of residential zoned lands. In this regard, the Office welcomes the decisions to zone lands C: Phase 2 New Residential and SR: Strategic Reserve in particular the lands on the eastern and western periphery of the town and the Objective CSO 1.10 to preserve these lands from inappropriate forms of development and to safeguard their strategic value.

Further, the Office also welcomes the commitment in the draft LAP and Objective CSO 1.4 to:

Monitor the scale, type, tenure and location of constructed and permitted developments in Kildare Town during the lifetime of the Plan and apply appropriate development management standards to ensure compliance with the Core Strategy to achieve the delivery of strategic plan-led and coordinated balanced development within the town.

¹ Figure of 1,102 includes 32 housing units from infill sites within the CSO boundary.

The above is critical to ensure that the growth facilitated on residential and mixed use zoned lands is commensurate with Kildare Town's position in the county settlement hierarchy and the definition of a Self-Sustaining Growth Town in Table 4.2 of the RSES.

3. Compact Growth

The Office acknowledges that consolidation and infill development underpin the development strategy in the draft LAP and that the LAP provides for circa 65% of all new homes to be developed within the defined settlement boundary.

While this approach is welcomed and supported in Objective CSO 1.3, the draft LAP zones significant lands for residential and employment development outside of the CSO Settlement Boundary and adjoining the junction 13 of the M7 motorway.

Since the lands south of the M7 are removed from the train station, there is a greater likelihood that they will give rise to a car-borne form of development. This matter is addressed further in section 4 below.

4. Transport and Accessibility

The Office commends the planning authority for the LAP's focus on reducing the demand for travel by car and promoting more sustainable travel, which is supported by a transport strategy which has been incorporated into Chapter 7 of the draft LAP. In this regard, the Office welcomes the range of implementation measures to support permeability, walking and cycling and use of public transport which are clearly set out on maps in Appendix A and supported by the objectives.

Notwithstanding, the Office notes that the draft LAP does not include any public transport measures to support the future development of the substantial area of Q: Enterprise and Employment zoned lands to the west of the Kildare Village Outlet Centre and only includes a proposed cycle track / lane as part of the future Modus Link Road (Maps 7.2 and 7.4 refer).

In respect of the lands zoned for H: Industry and Warehousing and C: New Residential south of the M7, the draft LAP does not include any permeability or cycling measures to serve this area and it is unclear if bus measure PT 4 is intended to serve these lands (Maps 7.1, 7.2 and 7.3 refer).

Having regard to the location of the above lands adjoining a busy intersection of the M7 motorway, the Office considers that there is scope to better integrate these lands into the overall proposed transport network from the outset and reduce the reliance on private transport as the lands develop.

Observation 1 – Sustainable transport measures

Having regard to:

- (a) section 10 (2)(n) of the *Planning and Development Act 2000*, as amended;
- (b) the vision and strategic principles of the Local Area Plan including Creating Compact and Connected Communities, the measures and objectives promoting modal shift and more sustainable transport in Chapter 7; and
- (c) the location of the Q: Enterprise and Employment zoned lands west of the Kildare Village Outlet Centre and the H: Industry and Warehousing and C: New Residential zoned lands south of the M7,

the Office advises the planning authority to investigate measures to promote use of public transport and active travel for the aforementioned undeveloped lands in consultation with the National Transport Authority and Transport Infrastructure Ireland.

5. Flood risk management

The Office welcomes the preparation of a Strategic Flood Risk Assessment (SFRA) to inform the draft LAP, which identifies that there is a low risk of fluvial and groundwater flooding in Kildare Town, whereas there is a medium risk of pluvial flooding.

The Office notes, and welcomes the requirement for a site-specific flood risk assessment to be undertaken at development management stage for developments within the noted area at risk of pluvial flooding (Objective IO 3.1 and Map 10.2 refer).

The Office notes that the 'Kildare Town Surface Water Study' indicates the location of a watercourse (Armour Stream), which travels to the south of the settlement from the M7 and runs adjoining areas zoned highly vulnerable C: New Residential and less

vulnerable. The SFRA includes no assessment to indicate whether there is any flood risk associated with this watercourse. Notwithstanding the absence of a flood risk assessment for the Armour Stream, the SFRA concludes that the entire lands within the LAP boundary are located within Flood Zone C.

The Office is concerned, therefore, that the draft LAP includes lands zoned for highly vulnerable development to the south of the M7 and adjoining an existing watercourse, which have not been informed by a suitable level of flood risk assessment, and if necessary a Justification Test in accordance with the Flood Guidelines.

Recommendation 1 – Strategic Flood Risk Assessment - Armour Stream

Having regard to:

- (a) National Policy Objective 57 of the *National Planning Framework Project Ireland 2040*; and
- (b) the *Flood Risk Management Guidelines* (2009), as revised, and *Circular PL 2/2014 Flooding Guidelines*,

the planning authority is required to review the Strategic Flood Risk Assessment for the draft Local Area Plan to include a flood risk assessment of the Armour Stream, in particular having regard to adjoining vulnerable land uses, to ensure that any land use zonings, and flood risk associated with this watercourse, are assessed in accordance with the application of the sequential approach, and the Justification Test where appropriate, and having regard to potential climate change effects.

This review may entail the review of land use zonings where they fail to satisfy the plan-making Justification Test to ensure consistency with the guidelines.

The Office requires the planning authority to consult with the Office of Public Works regarding this Recommendation.

In respect of Sustainable Urban Drainage Systems (SuDS) and Nature Based Solutions, it is considered that the LAP would benefit from referencing the *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).*

The Office also notes that the SFRA appears to contain inconsistencies with respect to catchment sizes for CFRAM mapping and NIFM mapping in sections 5.5.1 and 5.5.2. The planning authority is advised to consult with the Office of Public Works to clarify this matter.

6. Infrastructure capacity

The Office notes that the wastewater treatment plant has sufficient capacity to cater for the growth planned to occur during the life of the LAP and welcomes Objective IO 1.1, which will ensure that development land is appropriately serviced by adequate water and wastewater infrastructure.

In respect of surface water management, the Office welcomes the inclusion of Objective IO 2.3 to incorporate nature-based solutions as part of all plans and projects, and Objective IO 2.4 to require all new development proposed to integrate SuDS and ensure that areas indicated as Nature-Based Management Areas are reserved free from development in accordance with NPO 57 and RPO 10.15.

7. Economy and Employment

The employment profile and economic development strategy for Kildare Town are set out in sections 5.2 and 5.4 respectively.

The Office notes that the LAP aims to protect existing employment in the town and to create new employment opportunities to ensure long-term and sustainable growth with the aim increasing the town's job ratio to 0.70 and becoming more self-sustaining.

The Office welcomes the inclusion of a range of specific measures in section 5.4 to achieve the economic development strategy such as '*Develop a pedestrian link connecting the town centre to the Kildare Tourist Outlet Village to capitalise on the potential synergies*' which are supported by economic development objectives in section 5.5.

7.1 Town centre and retailing

The Office welcomes the comprehensive strategy and objectives to address current issues in the town centre and protect its role while allowing for a wider range of uses to support its overall vitality and address vacancy.

The Office commends the planning authority's focus on town centre renewal in the LAP and the incorporation of projects from the Kildare Town Renewal Masterplan into Chapter 4. This is a particularly noteworthy aspect of the Draft LAP and demonstrates consistency with RPO 6.12 (Town Centre Renewal).

The planning authority is commended for the overall clarity and direction provided for economic development and employment in the draft Plan.

Summary

Arising from the foregoing evaluation and assessment of the draft Kildare Town Local Area Plan 2023 - 2029, the Office concludes that the draft LAP is generally consistent with the objectives of the Kildare County Development Plan 2023 – 2029 and the regional policy objectives contained in the Regional Spatial and Economic Strategy for the Eastern and Midland Region.

The Office requests that your authority addresses the Recommendation and Observation outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise any recommendations and the manner in which they will be addressed.

The Office requests that your authority addresses the recommendation and observation outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed. Where your authority decides not to comply with the recommendations of the Office, made in the draft LAP and report, please outline the reasons for the decision in the chief executive's report.

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,

AM C'Gnner.

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