

OPR Ref: DP-040-23

6th February 2024

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

Re: Proposed Amendment No. 1 to the Leixlip Local Area Plan 2020-2023 (as extended to 2026)

A chara.

Thank you for your authority's work in preparing the proposed Amendment No. 1 (the proposed Amendment) to the Leixlip Local Area Plan 2020-2023 (as extended to 2026) (the 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 proposed Amendment to the LAP. As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

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

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

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.

Overview

The Office acknowledges the level of detail provided in the Confey Masterplan (the draft Masterplan) to ensure the delivery of a high quality, sustainable neighbourhood at Confey, which responds to Objective Con 1.1 (a) of the LAP and Action UD A2 of the Kildare County Development Plan 2023-2029 (the Development Plan). The Office considers the draft Masterplan sets out a design framework consistent with the objectives of the LAP.

The Office welcomes the approach to phasing development in tandem with key infrastructure and services, particularly the delivery of sustainable transport interventions. It also ensures provision of community services and infrastructure, such as a community leisure centre and schools, to align with demand arising from population growth. However, some issues arise with respect to the integration of links between the N3 and N4 and the network of regional and local roads, in accordance with the *Greater Dublin Area Transport Strategy 2022-2042 (the GDA Transport Strategy)*.

The Office also welcomes the integration of landscape, green infrastructure including Sustainable urban Drainage Systems (SuDS), nature based solutions and high quality open space and public realm as part of the proposed Amendment.

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

Key theme	Recommendation	Observation
Consistency with the Regional, Spatial and Economic Strategy, Kildare County Development Plan and the core strategy	-	-
Transport and accessibility	Recommendation 1	-
Flood risk management	-	-

1. Consistency with the Regional, Spatial and Economic Strategy, Kildare County Development Plan and the core strategy

Section 19(2) of the Act requires that a local area plan be consistent with the objectives of the development plan and its core strategy and with the relevant RSES. The proposal to insert a Masterplan through the proposed Amendment is consistent with Action UD A2 of the Development Plan. It is also consistent with Objective Con 1.1(a) of the LAP.

The LAP estimates a residential capacity for the draft Masterplan lands of 1,765 units, which is in excess of the housing target for Leixlip of 933 units, under the core strategy to 2028. However, having regard to the detailed phasing strategy which seeks to deliver c.660 residential units by end of 2028, it is considered that there is appropriate capacity available to accommodate residential development in the existing LAP.

Regarding the phasing of future development, the planning authority is advised to liaise closely with the relevant statutory bodies, including Uisce Éireann, to ensure that there is sufficient capacity available to facilitate development in line with the phasing strategy proposed.

2. Transport and accessibility

The Office notes RPO 8.6 requires the preparation of a Local Transport Plan (LTP) for selected settlements within the region, which includes Leixlip and the identified strategic greenfield lands at Confey. Action TM A2 of the Development Plan further supports this requirement.

An LTP has not been prepared for the LAP area, however, as the LAP predates the Development Plan, the Office considers the Strategic Transport Assessment, prepared for the LAP, provides sufficient detail to inform the Strategic Transport and Mobility Report, which accompanies the draft Masterplan. The National Transport Authority (NTA) is also supportive of the draft Masterplan in accordance with the *GDA Transport Strategy*.

The Office welcomes the proposed transport and mobility strategy which seeks to provide for sustainable active travel measures to enhance the existing high quality public transport available in the area, consistent with objective MT 1.5 of the LAP and Policy TM P1 of the Development Plan.

The Office also welcomes the ambitious modal share targets proposed and supports the specific transport interventions which will improve pedestrian and cycle connectivity to the train station, along and across the Royal Canal, and principle road upgrades to Captain's Hill which will assist in achieving the significant targets. In particular, the Office welcomes the proposed street hierarchy that promotes active travel measures and prioritises pedestrian and cycle movements and the provision of a mobility hub which incorporates alternative transport methods such as e-bikes and car sharing opportunities.

The RSES identifies investment in improved strategic road connectivity and supports the appraisal and/or delivery of specific road projects (RPO 8.10) including the *Maynooth to Leixlip Project*. This is supported by Objective TM O93 of the Development Plan. *The Confey Masterplan Strategic Transport and Mobility Report* proposes the 'outer orbital link' and 'western road upgrades' (comprising R1015 and R1014) as an indicative route for the *Maynooth to Leixlip Project*, consistent with these objectives. However, the draft Masterplan only includes the orbital route (referred to as the Northern Orbital Route) and upgrades to the R1015. The necessary upgrades to the R1014 are not included in the draft Masterplan (section 4.2 refers).

The planning authority should ensure that the roads objectives are in accordance with Measure ROAD8 of the *GDA Transport Strategy* for road links between N3 and N4 and Measure ROAD9 for regional and local roads. The planned development of this route, which is critical infrastructure, should also be included in the phasing strategy with an appropriate timeline for delivery.

Recommendation 1 - Road infrastructure

Having regard to:

- RPO 8.10 in relation to investment in improved strategic road connectivity;
- Objective TM 93 of the Kildare County Development Plan 2023-2029 to support the connection between the N3-N4 Barnhill to Leixlip interchange; and
- Measure ROAD8 of the Greater Dublin Area Transport Strategy 2022-2042 for road links between N3 and N4 and Measure ROAD9 for regional and local roads;

the planning authority is required to:

- include an objective to ensure that the design of the proposed road network is in accordance with Measure ROAD8 of the *Greater Dublin Area Transport Strategy* 2022-2042 for road links between N3 and N4 and Measure ROAD9 for regional and local roads:
- Include all relevant road proposals under The Confey Masterplan Strategic
 Transport and Mobility Report, including the proposed upgrades to the R1014, in
 the draft Masterplan; and
- revise the phasing strategy to include an indicative timeframe for the delivery of the proposed road scheme to support the development of the draft Masterplan area.

3. Flood risk management

The Office welcomes the preparation of a Strategic Flood Risk Assessment (SFRA) for the draft Masterplan lands.

Zoning for highly vulnerable uses have generally been located outside the Flood Zones A and B. However, zoning for Character Areas R4, R6 and R7 within Phase 5 of the draft Masterplan, intersect areas at risk of flooding, which are likely to be at increased risk in future climate change scenarios.

While the accompanying SFRA notes that a Justification Test was prepared as part of the LAP, Character Areas R4, R6 and R7 lands were not included in the assessment, notwithstanding that these lands were zoned under the LAP. The Office notes that these lands are within Phase 5, which is not due to commence development until after the expiry of the LAP. In this regard, the planning authority is advised that the plan making Justification Test will be necessary for these lands in any future iterations of the LAP, having regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009).

The Office acknowledges and supports the commitment in the draft Masterplan to a nature based solutions to drainage and to SuDS through the provision of green roofs blue roofs, porous paving, tree pits and swales, as detailed in the accompanying Engineering Masterplan Report. The Office welcomes the integration of these sustainable surface water management measures in accordance with Objective IN O21 and IN O22 of the Development Plan.

Summary

The Office requests that your authority addresses the recommendation 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 this recommendation and the manner in which it will be addressed. Where your authority proposes to materially alter the proposed Amendment but decides not to comply with the recommendations of the Office, please outline the reasons for the decision in the chief executive's report.

At the end of the plan making process, your authority will also be required to notify this Office within five working days of the decision of the planning authority in relation to any proposed Amendments. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Amendment in such a manner as to be inconsistent with the recommendations of the Office, under the provisions of section 31AO(5) of the Act 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.

Is mise le meas,

AM C'Conna.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

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