

20th November 2024

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

Re: Proposed Variation No. 1 to the Kildare County Development Plan 2023-2029

OPR Ref: DP-024-24

A chara,

Thank you for your authority's work in preparing the proposed Variation No. 1 (the proposed Variation) to the Kildare County Development Plan 2023-2029 (the County Development Plan).

As your authority is aware, a key function of the Office of the Planning Regulator (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 31AM(1) and (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.

On adoption of the plan, the Office will consider whether the plan has been made in a manner consistent with the recommendations of the Office and whether the plan sets out an overall strategy for the proper planning and development of the area concerned.

Overview

The Office acknowledges the benefits of the proposed Variation in providing a Settlement Plan for Kilcullen following the expiration of the Kilcullen Local Area Plan 2014-2020 (Local Area Plan) and placing the land use zoning and policy objectives on a statutory footing within the County Development Plan.

The draft Kilcullen Settlement Plan (the Settlement Plan) sets out a well balanced approach to the future development of the town, with an appropriate focus on the continued development of the town centre and the zoning of residential land close to the town centre in proximity to existing services and in a manner that promotes compact growth and sustainable development.

The Office also commends the Planning Authority's efforts to address the amount of poorly located zoned land from the previous Local Area Plan, an issue which was raised by this Office during the preparation of the County Development Plan.

The Office does, however, consider that a tighter policy framework for Opportunity Site 1 would protect the existing retail core of Kilcullen. In addition, the Office requires changes to the Settlement Plan in how it provides for the unmet housing demand in Kilcullen in accordance with national planning policy.

1. Compliance with planning policy

1.1 Development plan and core strategy

The proposed Variation proposes additional provision of residential land to address the unmet social housing demand for Kilcullen.

While this is considered reasonable in principle, and in accordance with the provision for 'unmet demand' within the methodology set out in the Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities (2020), this increase in the housing demand relates to the core strategy housing target (i.e. the number of homes required to be delivered). The Additional Provision under section 4.4.3 of the Development Plans, Guidelines for Planning Authorities (2022), is a separate matter which relates to the extent of zoned land required to meet the housing target in the core strategy.

The Planning Authority is therefore required to clarify this matter in the proposed Variation, and to provide for the 'unmet demand' within the housing target set out in the core strategy.

Notwithstanding, the Office is satisfied that the quantum and location of New Residential zoned lands in the draft Settlement Plan is consistent with national and regional policy for compact and sequential growth, and sustainable mobility.

Recommendation 1 – Core strategy and housing supply target

Having regard to:

- NPO 36 of the NPF;
- the Section 28 Guidelines, Housing Supply Target Methodology for Development Planning (2020); and
- Section 4.4.3 of the Development Plans, Guidelines for Planning Authorities (2022),

the Planning Authority is required to:

(i) clarify that the provision for 'unmet demand' relates to the housing supply target in the core strategy; and

(ii) amend section 2.4 of the Settlement Plan for Kilcullen regarding 'additional provision'.

1.2 Regeneration and retail

The Settlement Plan identifies the former mart site on the Newbridge Road as an opportunity site. The site is well located, across from the existing school and in proximity to a mix of uses and services. The site is zoned A: Town Centre which provides for the 'development and improvement of appropriate town centre uses'. The Settlement Plan includes a specific Policy Objective ST KL15 setting out the development objectives for the lands, including the provision of a landmark mixed used / retail development.

Policy Objective RET 052 and section 8.7.2.8 of the County Development Plan prioritise the Core Retail Area as the priority location for new retail development (see map no. V1 - 8.5). The Core Retail Area is focused on Main Street, the area immediately north and south of the bridge. The opportunity site is to the west of this Core Retail Area and given the size of the site, 6.6 ha, a landmark retail development has the potential to negatively affect the vibrancy and vitality of Main Street.

It is important, therefore, that an appropriate balance is struck between promoting development on the site, providing for essential retail and services to serve the communities and protecting the vibrancy and vitality of the town core. As such the opportunity site would benefit from providing a threshold for the amount of retail floorspace allowable on the site. This quantum should be of a scale appropriate to the size of the town and its core in order to minimise the potential of adverse impact, as per the Retail Planning Guidelines for Planning Authorities (2012). Such a provision would provide clarity for the public and prospective applicants and would provide a robust policy framework to support decision making at the development management stage.

Recommendation 2 - Regeneration and retail provision

Having regard to the compact and sustainable growth of the town, while protecting the vibrancy and vitality of the town core and in particular to:

NPO 35 of the NPF;

- Policy Objective RET 052 and section 8.7.2.8 of the Kildare County Development Plan 2023-2029; and
- the Retail Planning Guidelines for Planning Authorities (2012),

the Planning Authority is required to define the quantum of retail floorspace allowable on Opportunity Site 1 of the Kilcullen Settlement Plan.

Summary

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

At the end of the process, your authority is required to notify this Office **within five working days** of the decision of the Planning Authority in relation to the proposed Variation. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the chief executive shall inform the Office and give reasons for this decision.

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

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations