

6th December 2024

Senior Executive Officer, Planning Department, Kildare County Council, Áras Chill Dara, Naas,

Co. Kildare,

W91 X77F

and

Senior Executive Officer, Planning Department, Meath County Council, Buvinda House, Dublin Road, Navan, Co. Meath,

Re: Material Alterations to the Draft Maynooth and Environs Joint Local Area Plan 2025-2031

OPR Ref: MA-048-22

A chara,

C15 Y291

Thank you for your authorities' work in preparing the proposed Material Alterations to the draft Maynooth and Environs Joint Local Area Plan 2025-2031 (material alterations).

As Kildare and Meath County Councils (the Planning Authorities) are aware, a core functions of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000, as amended (the Act), and within the context of the Office's earlier recommendations and observations.

The Office's evaluation and assessment of the proposed material alterations has regard to the current Kildare County Development Plan 2023-2029 (the Kildare County Development Plan), and the Meath County Development Plan 2021-2027 (the Meath County Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA), and relevant section 28 guidelines.

Overview

As outlined in the Office's submission to the draft Maynooth and Environs Joint Local Area Plan 2025-2031 (Joint Local Area Plan), the Office considered the draft Joint Local Area Plan to be generally consistent with policies in the National Planning Framework (NPF) and the RSES for the EMRA area.

The Office's submission included eight recommendations on the draft Joint Local Area Plan to enhance its alignment with the relevant county development plans, the objectives of the RSES, and section 28 Guidelines, and two observations where further consideration was advised.

The Office was generally satisfied with the response to its recommendations and particularly the clarity of the responses in the Chief Executive's Report (CE Report), and in particular welcomes the introduction of the specific climate action policy objectives.

The Office also welcomes the response on monitoring and implementing the draft Joint Local Area Plan, particularly policy objective CSO 1.2 to establish a joint monitoring and implementation group with the respective local authorities. Maynooth is designated as a Key Metropolitan Town in the RSES and as such monitoring and

implementing the policy objectives of the plan is key to achieving its vision and was a key tenant of our submission at draft plan stage.

In response to the matters raised in the Office's submission under Recommendations 5 and 7, the scope of the joint monitoring and implementation group should include and prioritise the following:

- the prioritisation of strategic active travel routes and connections, including the delivery of the greenway; and
- tracking the development of the enterprise and employment generating lands to ensure Maynooth becomes an economic driver within the Dublin Metropolitan Area.

The second point is particularly relevant given the job numbers facilitated by the draft Joint Local Area Plan and the fact that 70% of the potential job creation numbers are concentrated on two land banks (Maynooth West and Moygaddy), where development is dependent on key pieces of infrastructure (Maynooth Orbital Outer Road, new train station and Maynooth Transfer Pipeline). A close review should be kept on the employment generating lands via the plan monitoring regime to mitigate the risk that no employment lands come forward in the life of the plan stage.

The Office considers that Recommendations 5 (ii) and (iii), and Recommendation 7 could therefore be addressed through the proposed monitoring and implementation system.

Also in relation to land use zoning, the Office notes MA 88 which proposes to amend the zoning of c.6.11ha at Newtown Road from Q(2): Enterprise and Employment to C: New Residential. While the Office does not have any objection to the proposed residential zoning objective as the site is serviceable and well located in proximity to the town and existing services and facilities, it is also important that sufficient employment land is delivered over the plan period to achieve the job targets.

The Office does, however, note that the Planning Authorities did not introduce a material amendment in response to Recommendation 6 which related to additional employment zonings to the south of the M4 adjoining junction 7, points also raised by Transport Infrastructure Ireland (Recommendation 6).

This matter should be highlighted in your authorities' notice letter upon adoption as per section 31AO(5) of the Act and will be fully considered by the Office at that stage.

In relation to the material alterations, the Office generally considers the approach taken has been robust and evidence-based, with the exception of the three recommendations below which relate to flooding, permeability and cycle connections, and the masterplans at Moygaddy.

Finally, it is noted that some of the changes to the draft Joint Local Area Plan, pursuant to this Office's submissions, have raised additional matters where further consideration is recommended. These largely relate to points of clarity and set out in the two observations below.

It is within this context the submission below sets out three (3) recommendations and two (2) observations under the following themes:

Key theme	Recommendation	Observation
Integration of Transport and Land Use Planning	MA Recommendation 1	-
Masterplans for Maynooth Environs	MA Recommendation 2	-
Flood Risk Management	MA Recommendation 3	-
Maynooth Central Settlement Consolidation Site	-	MA Observation 1
Transit-Oriented Development	-	MA Observation 2

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, planning authorities are 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.

1. Integration of Transport and Land Use Planning: Active Travel Measures

In its submission to the draft Joint Local Area Plan, the Office welcomed the ambitious mode share targets for this Key Town, set down in the Maynooth and Environs Area Based Transport Assessment (MEABTA) and indicates that modal split assumptions, will require at least half of all journeys by new residents to be on sustainable modes.

The Office has concerns regarding MA 33 and MA 39, which propose the deletion of 34 permeability measures and three cycle measures respectively.

The Office notes that the Chief Executive was opposed to these deletions and highlighted in the CE's Report that the proposed permeability and cycle networks are crucial to achieving sustainable mobility, reducing car dependency and promoting active travel.

Having regard to above, it is of particular concern that a number of the measures proposed for deletion would inhibit the delivery of active travel infrastructure to serve the Railpark Key Development Area, and also prevent the upgrade of active travel infrastructure along Carton Avenue which is a key access route connecting housing, services and new development areas direct to the town centre.

Under the Kildare Climate Action Plan 2024-2029 (Kildare Climate Action Plan), Maynooth is a designated Decarbonisation Zone (DZ) with an objective to reduce emissions in the DZ in line with the prescribed target of achieving a 51% reduction in emissions by 2030. The Kildare Climate Action Plan also includes an objective under table 5.4 of the plan 'to support active travel infrastructure and initiatives to facilitate more walking and cycling'.

The Kildare County Development Plan also outlines specific policy and objectives under TM P10 and TM P2 to promote and facilitate improvements to pedestrian and

cycle facilities. In addition, under RPO 4.33 of the RSES, it is an objective to support the delivery of pedestrian and cycle linkages within Maynooth, while RPO 8.1 of the RSES requires the integration of transport and land use planning.

Further, the deletion of the active travel measures for Carton Avenue is not consistent with the Open Space and Outdoor Recreation Strategy of the Kildare County Development Plan (appendix 3). This strategy includes an action to prepare a detailed design and conservation plan for the lands at Carton Avenue. This conservation plan will examine the potential for appropriate new access points into Carton Avenue and circulation routes within the lands. Policy objective GBIO 2.7 of the draft Joint Local Area Plan supports the preparation of a Conservation Plan and Masterplan for Carton Avenue.

The Office is therefore concerned that proposed MA 33 and MA 39, which propose the deletion of a significant number of active travel measures, are not consistent with the policy requirements outlined above. It is therefore recommended that the Planning Authorities make the Joint Local Area Plan without MA 33 and MA 39.

MA Recommendation 1 – Land Use and Transport Planning

Having regard to the need for the integration of land use and sustainable transportation and the transition to a low carbon and climate resilient society including the reduction of greenhouse gas emissions, and in particular to:

- Regional Policy Objectives RPO 4.33 and 8.1 of the RSES for delivery of pedestrian and cycling linkages within Maynooth and integrating of transport and land use planning;
- the Climate Action and Low Carbon Development Act 2015, as amended, mandatory target to reduce greenhouse gas emissions by 51%, and the Climate Action Plan 2024, and associated actions including the National Sustainable Mobility Policy (2022) targets to reduce vehicle kilometres travelled per year and the National Investment Framework for Transport in Ireland (2021);
- Policy Objectives TM P10 and TM P2 of the Kildare County Development Plan 2023-2029 (Kildare County Development Plan);

- Kildare County Council's Open Space and Outdoor Recreation Strategy (appendix 3 of Kildare County Development Plan);
- section 5.4 and table 5.4 of the Kildare Climate Action Plan 2024-2029 and its designation of Maynooth as Decarbonisation Zone; and
- Policy Objective GBIO 2.7 of the draft Maynooth and Environs Joint Local Area Plan 2025-2031 (Joint Local Area Plan) for the preparation of a Conservation Plan and Masterplan for Carton Avenue,

the Planning Authorities are required to make the Joint Local Area Plan:

- (i) generally without the deletions in MA 33 and MA 39 unless specific individual justifications can be provided that the individual measures are consistent with the policy framework set out above; and
- (ii) specifically without the deletions relating to the Railpark Key Development Area and the Carton Avenue lands contained within MA 33 and/or MA 39.

2. Masterplans for Maynooth Environs

The Office has concerns regarding MA 64 and MA 65, which proposes additional text into policy objectives MEO 1.1 and 1.2. These policy objectives require masterplans to be prepared for the Maynooth Environs Masterplan 16 (i.e. Moygaddy lands) and 17 (i.e. Carlton Demesne lands).

The alteration requires the masterplans to be agreed in writing with Meath County Council prior to any future application for development which is welcomed. However, the Office is concerned with the insertion of the following additional text:

The Masterplan will be agreed in writing with Meath County Council unless it can be demonstrated that the application will not undermine the objectives of the masterplan being achieved and....

This new text alters the approach for preparing masterplans for Meath County Council to that provided for in the Joint Local Area Plan for Kildare County Council in relation to lands at Moygaddy and Carlton Demesne. There is no evidence-based reason for amending the wording of these masterplan objectives and for creating different policy frameworks for lands crucial to the delivery of the joint strategic vision for Maynooth on either side of the county border.

The purpose of the masterplans is to ensure an integrated approach is taken to the phasing, management and development of the respective land banks (section 11.3.6 of draft Joint Local Area Plan). Significant infrastructure and investment is required to develop these lands, such as the North-Eastern Maynooth Outer Orbital Route, Maynooth Transfer Pipeline Project, greenway, and active travel bridge. As such the insertion of this new text undermines the stated objective of the masterplans and should be omitted from both MA 64 and 65, and any other sections of the Joint Local Area Plan for consistency.

MA Recommendation 2 – Masterplans for Maynooth Environs

Having regard to the compact and sustainable growth of Maynooth and the coordination of development and infrastructure delivery, and in particular to:

- Regional Policy Objectives RPO 4.33 and 4.35 of the RSES for the coordination of the development and infrastructure delivery, and preparation of a Maynooth and Environs Joint Local Area Plan 2025-2031 (Joint Local Area Plan) to provide a co-ordinated planning framework;
- section 4.6 of the RSES identifying the Moygaddy lands for Science and Technology based employment;
- section 2.7 of the Meath County Development Plan 2021-2027 (the Meath County Development Plan) setting out the core strategy and policy framework for its settlement strategy;
- section 15.1 of the Meath County Development Plan identifying masterplan areas 16 and 17; and
- section 4.2(ii) of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) for the importance of masterplans,

the Planning Authorities are required to make the Joint Local Area Plan without MA 64 and 65.

3. Flood Risk Management

In general, the Office welcomes the response of the Planning Authorities to its recommendation on flood risk management. However, the material alterations include two zoning amendments on lands that are vulnerable to flooding:

- MA 84 rezones an area of land which overlaps with Flood Zones A and B from water compatible OS and Amenity to highly vulnerable Student Accommodation; and
- MA 85 rezones an area of land which overlaps with Flood Zones A and B from SR to highly vulnerable Phase 2 New Residential (Transit-Oriented Development).

Highly vulnerable development is not appropriate in Flood Zones A or B unless the use cannot be avoided, substituted, or finally demonstrated that all criteria of the Plan Making Justification Test (Justification Test) have been satisfied. An updated Strategic Flood Risk Assessment was not provided at the material alterations stage and the two rezonings have therefore not been assessed in the context of the sequential approach to flood risk management, including any Justification Test.

MA Recommendation 3 – Flood risk management

Having regard to flood risk management, and in particular to:

- Regional Policy Objectives RPO 7.12 of the RSES Flooding;
- Policy Objective IN O33 of the Kildare County Development Plan 2023-2029 which requires the implementation of the Flood Guidelines;
- Policy Objective INF POL 18 for Flood Risk for the Meath County
 Development Plan 2021-2027 which require the implementation of the Flood Guidelines; and
- the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),

the Planning Authorities are required to omit MA 84 and MA 85 from the draft Joint Local Area Plan or amend the zoning objectives to exclude the sections affected by Flood Zone A and B.

4. Maynooth Central Settlement Consolidation Site (SCS)

Recommendation 3 of the Office's submission on the draft Joint Local Area Plan required the Planning Authorities to strengthen the policy framework for the Maynooth SCS and identify the housing yield for this site.

The Office welcomes the detailed response to this recommendation. The CE's Report clearly set out the relevant details on the extant permission and the estimated housing yield for the remaining portion of the lands. This is transposed into the Joint Local Area Plan via an amendment to table 3.9 Estimated Residential Capacity for Maynooth (MA 4).

The Office considers that additional text should be included in section 11.1.3 Maynooth Central Urban Design Framework, setting out this estimated development yield, as per the rational set out in the CE's Report, for clarity. The Office also considers that the SCS should be included in table 11.5 setting out the implementation and infrastructure delivery schedule for these lands. This has been done for all of the other residential lands in Joint Local Area Plan and given the site's designation in the RSES, it should be identified and included in this table.

MA Observation 1 - Maynooth Settlement Consolidation Site

Arising from the Kildare and Meath County Councils' (Planning Authorities) response to Recommendation 3 of the Office's submission on the draft Maynooth and Environs Joint Local Area Plan 2025-2031 (Joint Local Area Plan), and in the interests of consistency and clarity and to ensure the implementation of the plan, the Planning Authorities are advised to make the Joint Local Area Plan with minor modifications pursuant to MA 4 and MA 8 to:

- (i) amend section 11.1.3 Maynooth Central Urban Design Framework to include the estimated residential yield, as per the rational set out in the Chief Executive's Report; and
- (ii) include the Maynooth Central Settlement Consolidation Site in table 11.5 setting out the implementation and infrastructure delivery schedule for these lands.

5. Transit-Oriented Development (TOD)

Recommendation 4 of the Office's submission on the draft Joint Local Area Plan required the Planning Authorities to review the zoning objective for the proposed TOD.

The draft Joint Local Area Plan states that lands in Maynooth West that are located within an 800m distance of the likely location of the new Maynooth West Train Station are designated as a TOD. The CE's Report on the draft Joint Local Area Plan states that the likely location for the new train station is on the SR(2) lands to the south of the Royal Canal. As such MA 85 seeks to rezone the SR(1) lands immediately north of the Royal Canal to Phase 2 New Residential (TOD), a site area of 12.5 ha. The Office welcomes this zoning change given the lands proximity to the future train station.

Further to the above, the Office advises that an amendment is made to MA 73, to augment the Maynooth West Masterplan Area to include the SR(2) lands to the south of the Royal Canal. This would maximise the use of the future high-capacity public transport and ensure a more comprehensive consideration is given to the integration of the land parcels (similar point raised by National Transport Authority in their submission on the draft Joint Local Area Plan).

MA Observation 2 – Transit-Oriented Development

Arising from the Planning Authorities' response to Recommendation 4 of the Office's submission on the draft Maynooth and Environs Joint Local Area Plan 2025-2031 (Joint Local Area Plan) and in the interests of consistency and clarity and to ensure the implementation of the Local Area Plan, the Planning Authorities are advised to make the Joint Local Area Plan with minor modifications pursuant to MA 73 and MA 85 to extend the Maynooth West Masterplan Area to include the SR(2) lands to the south of the Royal Canal, where the new train station is likely to be situated.

Summary

The Office requests that the Planning Authorities addresses the recommendations and observations outlined above. As you are aware, the report that the Chief Executive of your Planning Authorities prepares for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your Planning Authorities are required to notify the Office within five working days of the making of the Joint Local Area Plan under section 31AO(5) of the Act. Where your Planning Authorities decide not to comply with the recommendations of the Office, or otherwise makes the Joint Local Area Plan in such a manner as to be inconsistent with the recommendations of the Office, the Chief Executive must, in the notice letter, inform the Office accordingly and state the reasons for the decision of the Planning Authorities.

Please feel free to contact the staff of the Office in the context of your Planning Authorities' 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

AM C'Onna

Deputy Regulator and Director of Plans Evaluations