



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Ref: MA-024-24

7th March 2025

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

W91 X77F

**Re: Proposed Material Alterations to Proposed Variation (No. 1): Kilcullen Settlement
Plan of the Kildare County Development Plan 2023-2029**

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations to Proposed Variation (No. 1): Kilcullen Settlement Plan of the Kildare County Development Plan 2023-2029 (material alterations).

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 Variation No. 1: Kilcullen Settlement Plan of the Kildare County Development Plan 2023-2029 (proposed Variation) under the provisions of sections 31AM(1) and 31AM(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's submission to the draft Variation included two recommendations.

The draft Settlement Plan proposes additional housing to address the unmet social housing demand for Kilcullen. Recommendation 1 requested the Planning Authority to clarify its provision pursuant to section 4.7 of the Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities (2020), as opposed to section 4.4.3 of the Development Plans, Guidelines for Planning Authorities (2022) (the Development Plans Guidelines).

The response in the Chief Executive's Report maintains its policy position on this matter. The Office reiterates that the Housing Supply Target is the mechanism to increase housing targets (i.e. the number of homes required to be delivered under the core strategy), whereas the Development Plans Guidelines facilitate increases in the extent of zoned land to provide a sufficient supply of zoned land to meet those targets.

If the Planning Authority decides to adopt the proposed Variation in a manner which is inconsistent with the Office's recommendation, this should be highlighted in your authority's notice letter upon adoption as per section 31AM(6) of the Act, and the matter will be fully considered by the Office at that stage.

In Recommendation 2 of its submission at draft stage, the Office raised concerns regarding the undefined retail floorspace for Opportunity Site 1 (former mart site). The proposed

rezoning of 4.33 ha from A - Town Centre to E - Community and Education reduces the Town Centre mixed use zoning from 6.6 ha to 2.27 ha (MA 5 and MA6). This proposed zoning change resolves the Office’s concerns and ensures that an appropriate balance is struck between promoting development on the site, providing for essential retail and services to serve the local community, and protecting the vibrancy and vitality of the town core.

In relation to the material alterations, with the exception of the two matters raised below, the Office otherwise accepts proposed changes.

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

Key theme	Recommendation
Zoning amendment	MA Recommendation 1
Objective change	MA Recommendation 2

1. Zoning amendment - MA 31 (Brownstown)

The Office generally accepts the proposed zoning amendments, including those for residential uses in the southern part of the settlement close to the town centre, schools and amenities, and with the potential for improved cycling and pedestrian connectivity to the town centre.

Contrary to this approach proposes to rezone lands from I – Agriculture to SS – Service Sites (8.68 ha) to the north of the town. The site was zoned I - Agriculture in the draft Settlement Plan and in the previous Kilcullen Local Area Plan (2014-2020).

Developing this site would extend the settlement to the north, outside of the CSO Settlement Boundary¹, and away from the town centre, schools and essential services. In so doing it would promote a pattern of development inconsistent with NPO 3c which supports compact growth and the consolidation of existing urban settlements.

¹ This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

Furthermore, the peripheral location leapfrogs more centrally located, serviced sites, conflicting with the sequential zoning approach outlined in section 6.2.3 of the Development Plans Guidelines, which priorities the development of centrally located and well-serviced lands first.

The Office further notes that no infrastructure capacity assessment has been carried out for these lands and, at the very least, there appears to be no footpath along this side of the regional road (R448). This would lead to greater reliance on private cars, undermining the Government's commitment to reducing greenhouse gas emissions under section 10(2)(n) of the Act, as amended and under the Climate Action and Low Carbon Development Act 2015, as amended (the Climate Act).

Given the sufficient zoned residential lands and additional housing already proposed in the draft Settlement Plan in the proposed Variation, there is no clear planning rationale for zoning an additional 8.68 ha for residential use.

MA Recommendation 1 - Zoning Changes

Having regard to the provision of new homes at locations that can support compact and sustainable development and the co-ordination of land use zoning, infrastructure and services, and in particular to:

- section 10(2)(n) of the *Planning and Development Act 2000*, as amended, concerning the promotion of sustainable settlement and transport strategies and associated mandatory targets for greenhouse gas emissions reduction targets under the Climate Action and Low Carbon Development Act, 2015;
- NPO 3c of the NPF and RPO 3.2 of the RSES regarding compact growth;
- NPO 72a-c and associated NPF Appendix 3, tiered approach to zoning;
- the Development Plans, Guidelines for Planning Authorities (2022) in respect of the policy and objective under section 6.2.1 for zoning to be informed by the settlement capacity audit, and the policy and objective under section 6.2.3 to implement a sequential approach to zoning; and
- Objective CS 01 of the Kildare County Development Plan 2023-2029 to support population and housing allocations contained in the core strategy,

the Planning Authority is recommended to make the Variation without MA 31 – lands at Brownstown.

2. Objective change – MA 9 Greenway

MA 9 proposes to amend objective ST KL 15 in section V2 2.7.2 Regeneration / Public Realm by deleting the following text:

(iii) Any proposed development located within the Opportunity Site shall have regard to the Greenway route identified within the Mobility Objectives Map.

And replacing it with the following new text:

(iii) To require the preparation of a town centre car parking strategy to demonstrate that sufficient car parking provision is made on site or at alternative locations in the town to protect the primacy of the town centre.

The Office has no objections to the new text. However, the deletion of the greenway objective for this Opportunity Site 1 (former Mart site) conflicts with Objective ST KL82² which supports the construction of this greenway as identified on the mobility map. It also conflicts with the mobility map itself, which remains unchanged at the material alterations stage.

The deletion of this objective will weaken the overarching objective to deliver the greenway and will undermine Ireland's commitment to achieving its mandatory climate action targets under the Climate Act. Consequently, the Planning Authority is recommended to reinstate the greenway objective for Opportunity Site 1.

MA Recommendation 2 – Greenway

Having regard to the integration of land use and sustainable transportation, and in particular to:

- RPO 8.1 of the RSES – integration 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

² Previously Objective ST KL78 in draft Settlement Plan

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); and

- Policy Objectives TM P2 and TM 024 of the Kildare County Development Plan 2023-2029 to prioritise and promote the development of high quality and sustainable walking and cycling routes, including greenways,

the Planning Authority is recommended to reinstate the deleted text proposed under MA 9 for Objective ST KL 15 in section V2 2.7.2 Regeneration / Public Realm.

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 Evaluation

Designated Public Official under the Regulation of Lobbying Act 2015
