



## **Proposed Variation No. 1 of the Kildare County Development Plan 2023-2029**

The Eastern and Midland Regional Assembly notes the publication of proposed variation No. 1 of the Kildare County Development Plan 2023-2029 and sets out hereunder observations on behalf of the Assembly. The submission has been prepared by the executive and approved by the members of the Eastern and Midland Regional Assembly (EMRA) at the meeting on 8<sup>th</sup> November 2024.

### **1.0 Regional Spatial and Economic Strategy (RSES)**

The Council will be aware of the finalisation of the Regional Spatial and Economic Strategy for the Eastern and Midland Region which was made on 28<sup>th</sup> June 2019. In line with the provisions of the Planning and Development Act 2000, as amended, the planning authority shall ensure, when making a variation to the development plan, that it is consistent with the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, thus ensuring full alignment between local, regional and national planning policy. In this regard, the Regional Assembly welcomes the proposed variation to the Development Plan.

### **2.0 Legislative Context**

The role and function of the Regional Assembly, including the scope of the RSES, is provided for in the Planning and Development Act 2000 (as amended). It should be noted that this legislation is currently under review, with the new Planning and Development Bill 2023 approved by Cabinet on 3<sup>rd</sup> October 2023 and published by the Department of Housing, Local Government and Heritage on 21<sup>st</sup> November 2023, with an amended Bill, approved by both Houses of the Oireachtas on the 9<sup>th</sup> of October 2024 and signed into law by the President on the 17<sup>th</sup> of October 2024. It is anticipated that the Planning and Development Bill 2023 will be enacted into legislation in the coming months.

Under Section 27C of the Planning and Development Act 2000, as amended, the Eastern and Midland Regional Assembly, is obliged to prepare submissions/ observations to be submitted to the relevant planning authority and copied to the Office of the Planning Regulator.

A submission shall contain a report which shall state whether, in the opinion of the Regional Assembly, the draft variation of the development plan, and its core strategy, is consistent with the Regional Spatial and Economic Strategy. If, in the opinion of the Regional Assembly the proposed draft variation of the development plan and its core strategy is not consistent with the RSES, the submission / observations and report shall include recommendations as to what amendments, in the opinion of the Regional Assembly, are required to ensure that it is consistent.

This report contains the opinion of the Eastern and Midland Regional Assembly in relation to the above matter along with recommendations as required under Section 27C of the Planning and Development Act 2000 as amended.

### **3.0 Proposed Variation No. 1**

Kildare County Council has published proposed Variation No. 1 seeking to vary the Kildare County Development Plan (CDP) 2023-2029 to include a new Kilcullen Settlement Plan and related maps into Volume 2 of the County Development Plan, along with consequential amendments to Volume 1: Written Statement and Volume 2: Small Towns, Environs, Villages and Rural Settlements.

The proposed variation will be incorporated into Volume 2 (Small Towns and Villages Strategy) of the Kildare County Development Plan 2023-2029.

#### **3.1 Reason for the Proposed Variation**

Kildare County Council state that the proposed variation will provide a Settlement Plan for Kilcullen to replace the expired Kilcullen Local Area Plan 2014 – 2020, to include a written statement and mapped objectives to provide a coherent planning policy framework for Kilcullen to guide the planning and sustainable development of the town. It is stated that the Settlement Plan will align with current National, Regional and County growth targets and policy objectives, including the Kildare County Development Plan 2023-2029 Core Strategy targets.

In addition, the proposed variation document indicates that the Settlement Plan presents an opportunity to review existing land use zoning objectives ensuring forthcoming development is carried out in a sequential approach and consistent with compact growth (National Planning Framework, National Policy Objective 3c) guidelines.

#### **3.2 Proposed Variation**

A report accompanies the proposed variation which sets out the proposed amendments to the Kildare CDP 2023-2029 which includes the inclusion of a new Kilcullen Settlement Plan incorporating a Written Statement and related maps into Volume 2A of the CDP.

The proposed variation will also require consequential amendments to Volume 1: Written Statement and Volume 2: Small Towns, Environs, Villages and Rural Settlements of the Kildare CDP 2023 – 2029. The amendments incorporated will include the insertion of a new section Volume 2A, Kilcullen Settlement Plan which will follow similar principles and current framework of the existing Small Town Plans set out in Volume 2 of the CDP.

The Proposed Variation is also supported by the following environmental reports:

- An Appropriate Assessment (AA) Screening Report pursuant to the EU Habitats Directive (92/43/EEC),
- A Strategic Environmental Assessment Screening Report pursuant to the Planning and Development (Strategic Environmental Assessment (SEA) Regulations 2004 - 2011.
- An amended Strategic Flood Risk Assessment (SFRA) Report of the Kildare County Development Plan 2023-2029, pursuant to Section 28 of the Planning and Development Act 2000 (as amended); and
- A Surface Water Management Strategy (SWMS) for the Kilcullen Settlement Plan area.

## 4.0 Submission

The Regional Assembly acknowledges proposed Variation No. 1 of the Kildare County Development Plan 2023-2029 which seeks to update the County Development Plan to include a new Kilcullen Settlement Plan and related maps into Volume 2 of the County Development Plan, along with consequential amendments to Volume 1: Written Statement and Volume 2: Small Towns, Environs, Villages and Rural Settlements.

Kilcullen is not identified as either a Regional Growth Centre or Key Town in the Settlement Strategy contained in the RSES and is identified as a 'Town' in the Kildare CDP 2023-2029 which is defined as providing local service and employment functions in close proximity to higher order urban areas.

In relation to future population and housing targets, the Assembly notes that the Core Strategy contained in Chapter 2 of the Kildare CDP 2023-2029 allocates 2.5% of the county housing and population target to the town of Kilcullen (a population target provision for an additional 629 persons or 229 housing units). Under Objective CS 01 of the Kildare CDP 2023-2029, the future growth and spatial development of County Kildare is required to be carried out in accordance with the population and housing allocations provided for in the Core Strategy.

From a review of the proposed Kilcullen Settlement Plan, Section 9.5 provides a discussion on delivering compact growth, whereby a greater proportion of residential development will be focused on urban infill, in particular the regeneration and revitalisation of the town centre urban sites of (i) Newbridge Road (Mart Site) (6.6ha) (ii) Market Square Road north (1.2ha) (iii) New Abbey Road (1.9ha) and (iv) Naas Road (0.8ha).

Table 2-7 of the Settlement Plan also indicates that the proposed plan can achieve the 30% target for new residential development to be delivered within or contiguous to the Built-Up Area of the settlement in accordance with RPO 3.2 of the RSES which is welcomed.

However, the Assembly notes that under Section 2.4 of the Kilcullen Settlement Plan in the proposed new Volume 2A, there is a discussion on social housing requirements for the town, where a case is made that there is an unmet social housing demand in the town (195 applicants/cases having Kilcullen as a first-choice preference in March 2024, with 40 of the applicants already living in the town). To address this, the Council is proposing to add 25% to the housing target for the town from the Core Strategy as shown in Table 2-6 of the proposed Kilcullen Settlement Plan in Volume 2A). This is provided for as 'additional provision' of 57 units, increasing the housing unit target in Kilcullen from 229 to 286 units during the CDP plan period up to 2029. The Settlement Plan justifies this via advice provided in Section 4.3.3 of the Development Plan Guidelines for Planning Authorities (2022) published by the Department of Housing, Local Government and Heritage which allows for certain flexibility to ensure sufficient provision of housing lands/sites.

Whilst the Assembly has no particular objection to the additional housing units proposed to the housing target for Kilcullen, the Development Plan Guidelines for Planning Authorities (2022) do state that *'Where the planning authority considers it necessary to enable 'Additional Provision' of residential lands in a particular settlement, it must be clearly set out in the core strategy'*. Furthermore, the guidelines state *'The extent of any Additional Provision must be identified, quantified and explained in the core strategy and should not exceed 20-25% of the required quantum of zoned land and sites in settlements in any planning authority area as a whole, for any six-year plan period.'*

The proposed variation does not seem to include any amendments to the core strategy table contained in the Kildare CDP 2023-2029 having regard to the advice and criteria outlined in Section 4.4.3 of the Guidelines which should be addressed in the final variation.

Overall, it is considered that the proposed variation is consistent with the RSES by providing for an updated Settlement Plan for the Kilcullen (replacing the Kilcullen LAP 2014-2020) under the content of the Kildare CDP 2023-2029. The proposed population and housing targets for Kilcullen as set out in the new Settlement Plan and corresponding land use zoning map are considered to be aligned with the Core Strategy table of the Kildare CDP 2023-2029 (subject to the proposed 'additional provision' being included for in an updated core strategy table in accordance with the Development Plan Guidelines for Planning Authorities, 2022) and the Regional Assembly is supportive of this approach.

In addition, it should be noted that the RSES sets out 16 Regional Strategic Outcomes (RSOs) which are aligned with national policy, specifically the National Planning Framework. These are cross referenced and aligned with the three Key Principles of the RSES; Healthy Placemaking, Climate Action and Economic Opportunity. The most relevant RSO which supports the proposed Variation is RSO 2, 'Compact Growth and Urban Regeneration', which is to *'promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choices for the Region's citizens'*. This aligns with National Strategic Outcome 1 of the National Planning Framework.

Accordingly, the Regional Assembly does not have any objection to the proposed variation as placed on public display and consider it generally consistent with the RSES for the Eastern and Midland Region 2019-2031.

## **5.0 Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA)**

The proposed variation underwent a screening for Strategic Environmental Assessment (SEA) and concluded that the proposal does not require a Strategic Environmental Assessment as it would not be likely to result in significant environmental effects, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development Regulations 2001 (as amended).

Furthermore, a screening for Appropriate Assessment (AA) was also carried out and concluded that the proposed variation will not have any likelihood for significant effects on any European sites, either alone or in combination with other plans or projects. The AA screening therefore concluded that it is not considered necessary to undertake any further stages of the Appropriate Assessment process. The

proposed variation does not therefore require an Appropriate Assessment or the preparation of a Natura Impact Report (NIR).

Finally, a Strategic Flood Risk Assessment (SFRA) report has been undertaken and published as part of the proposed variation and stated to have been prepared in accordance with the requirements of *'The Planning System and Flood Risk Assessment Guidelines for Planning Authorities (2009)'* and Circular PL02/2014 (August 2014). The SFRA provides an assessment of all types of flood risk within the County to assist Kildare County Council to make informed strategic land-use planning decisions. The flood risk information has enabled Kildare County Council to apply the Guidelines sequential approach, and where necessary the Justification Test, to appraise sites for development and identify how flood risk can be reduced as part of the Development Plan.

## **6.0 Recommendations**

The Regional Assembly would like to acknowledge the work that Kildare County Council has carried out in order to prepare proposed Variation No. 1 to the Kildare County Development Plan 2023-2029.

The Assembly advises that Kildare County Council pay particular attention to the following issues in the preparation of the proposed draft Variation in order to ensure consistency with the RSES and relevant ministerial guidelines, and makes the following recommendations:

### **Core Strategy**

- Having regard to the 'additional provision' proposed in Section 2.4 of the Kilcullen Settlement Plan, the Planning Authority should ensure that the Core Strategy table in the County Development Plan is amended appropriately to reflect this proposed additional housing provision.

The Development Plan Guidelines for Planning Authorities (2022) state that *'Where the planning authority considers it necessary to enable 'Additional Provision' of residential lands in a particular settlement, it must be clearly set out in the core strategy'*. Furthermore, the guidelines state *'The extent of any Additional Provision must be identified, quantified and explained in the core strategy and should not exceed 20-25% of the required quantum of zoned land and sites in settlements in any planning authority area as a whole, for any six-year plan period.'*

It is recommended that the Core Strategy table in the Kildare CDP 2023-2029 be amended having regard to the advice and criteria outlined in Section 4.4.3 of the Guidelines which should be addressed in the final variation.

Reason: To ensure the core strategy housing allocation is aligned with the RSES and is in keeping with ministerial guidance for 'additional provision' provided in the Development Plan

Guidelines for Planning Authorities (2022) published by the Department of Housing, Local Government and Heritage.

## 7.0 Conclusion

It is considered that proposed Variation No. 1 to the Kildare County Development Plan 2023-2029, is generally consistent with the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region 2019-2031 and would be further enhanced by addressing the recommendations set out above.

Regards,



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Clare Bannon  
A/Director  
Eastern and Midland Regional Assembly  
11<sup>th</sup> November 2024