

**Submission on the Draft
Kildare County Development Plan 2023-2029**

On behalf of

**Kieran Curtin, Receiver over certain assets of
Maplewood Developments Limited and Barina
Construction Limited**

To

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

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John Spain Associates

Planning & Development Consultants
Chartered Town Planners & Chartered Surveyors

39 Fitzwilliam Place,
Dublin 2.
Telephone: (01) 662 5803
Web: www.jsaplanning.ie

1.0 INTRODUCTION

1.1 On behalf of our client Kieran Curtin, Receiver over certain assets of Maplewood Developments Limited and Barina Construction Limited, we wish to make a submission on the Draft Kildare County Development Plan 2023-2029 in relation to our client's lands at Ballyoulster, Celbridge, Co. Kildare.

1.2 The key concerns raised in this submission can be summarised as follows:

- It is respectfully submitted that the Core Strategy and the housing targets in Table 2.8 of the Draft Plan do not fully reflect national policy and the RSES, particularly in relation to Celbridge and the existing / planned infrastructure which serves the town. It is considered that Celbridge is a suitable location for the reallocation of population growth from smaller settlements, particularly given the existing / planned infrastructure serving the town.
- To ensure the new Development Plan does not constrain the delivery of housing, it is requested that the Draft Plan and Table 2.8 takes account of the Draft Development Plan Guidelines and allows for the 25% 'additional provision' in relation to the residential land use zoning requirement for relevant settlements, including Celbridge.
- In accordance with the sequential growth of towns sought by the NPF and RSES, it is respectfully submitted that the Draft Plan should include objectives supporting the development of lands proximate to town centres in key settlements, such as Celbridge, thereby supporting the prioritisation of such land for development.
- We also request that the Planning Authority review a number of the proposed standards and requirements for residential development which are more onerous / restrictive than the Government's Section 28 Guidelines, or which are in addition to such requirements.

1.3 Having regard to the above, this submission relates to the following sections of the Draft Plan, with the requests made in chronological order as they appear in the Draft Plan:

- Chapter 2 - Core Strategy & Settlement Hierarchy
- Chapter 15 - Development Management Standards

1.4 The relevant content of the Draft Plan as they relate to our client's lands the subject of this submission is outlined in Section 2 and the suggested amendments and grounds supporting same are provided in Section 3.

2.0 RELEVANT PLANNING AND DEVELOPMENT CONTEXT

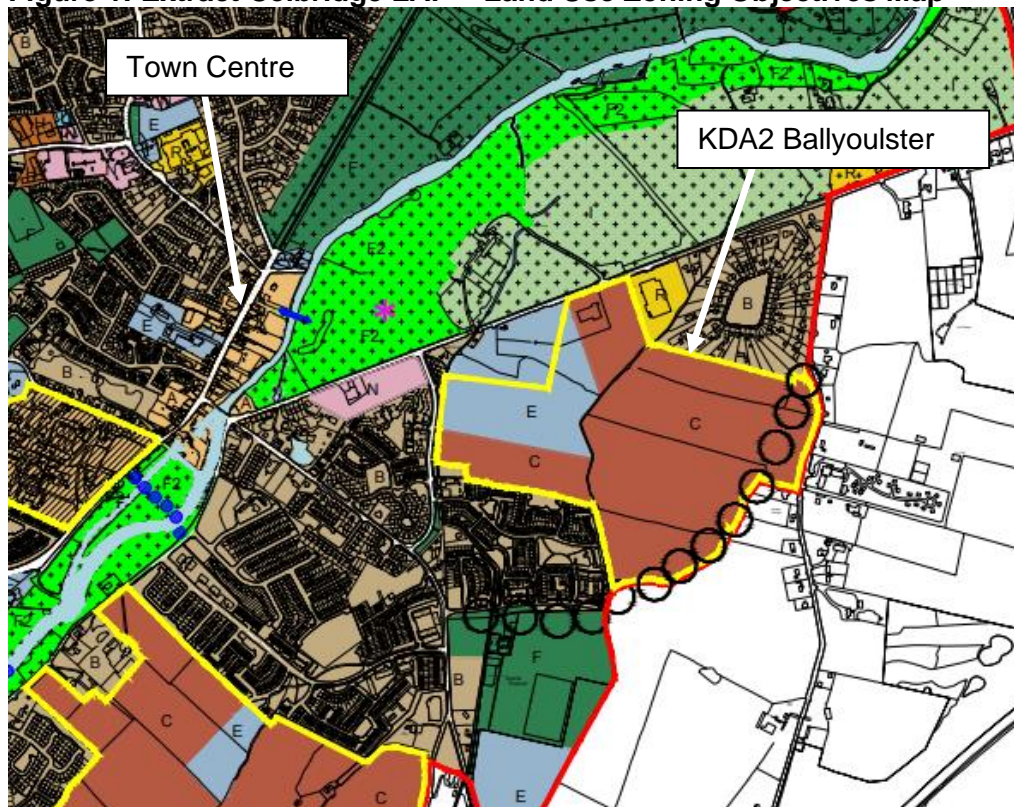
2.1 Our client is the receiver of lands at Ballyoulster, Celbridge, Co. Kildare, comprising c. 36 ha (90 acres) relating to Maplewood Developments Limited and 4 ha (10 acres) relating to Barina Construction Limited. The lands are located to the south east of Celbridge town centre and are identified within the Celbridge Local Area Plan 2017-2023 as a key development area, 'KDA2 Ballyoulster'. Figure 1 below identifies the location of the lands.

2.2 The subject site is part zoned '*C: New Residential*' which seeks '*to provide for new residential development*' and part zoned '*E: Community and Educational*' which seeks '*to provide for education, recreation, community and health.*' The vision for the lands, as set out within the LAP, is to provide for the

development of a new residential neighbourhood, including primary and post primary schools, and a local park.

- 2.3 Our client is currently progressing an application for a Phase 1 residential development (including c. 340 no. units, a childcare facility and significant public open space), with the development of the remainder of the lands to come forward in separate applications on a phased basis. The proposed Phase 1 development will deliver infrastructure common to both the residential and community lands, including the full length of the proposed Link Street / Boulevard connecting Shinkeen Road to Dublin Road. The Boulevard, also includes the junctions to the reserved school site to the north (design reflects consultation with the DoE), and future residential phases to the east.
- 2.4 The lands reserved for the provision of the 3 no. schools equate to 7.2ha in total will be brought forward and delivered by the Department of Education.

Figure 1: Extract Celbridge LAP – Land Use Zoning Objectives Map



3.0 CHAPTER 2- CORE STRATEGY & SETTLEMENT STRATEGY

- 3.1 The Core Strategy includes a set of population and housing targets on which the overall development plan strategy for future residential development in the County is based. These population & housing targets are set by the National Planning Framework (NPF), the Regional Spatial & Economic Strategy (RSES) for the Eastern & Midland Region, and Section 28 Guidelines 'Housing Supply Target Methodology for Development Planning (December 2020).
- 3.2 Celbridge is identified as a “self sustaining town” in the settlement hierarchy. Table 2.8 sets out the Population and Housing Unit Targets for the plan period and sets a housing target for Celbridge of 914 no. units and a residential zoned land requirement of 30 ha.

3.3 It is considered that Celbridge is a suitable location where the reallocation of population growth from smaller settlements should be directed, particularly given the existing / planned infrastructure for the town and the location of Celbridge within the Dublin Metropolitan Area (DMA). This includes the Dart+ programme which aims to modernise and improve existing rail services in the Greater Dublin Area, delivering frequent, modern, electrified services to Celbridge. Proposals are also progressing for the Celbridge to Hazelhatch Link Road Route Corridor, improving connectivity and pedestrian and cycle links to the train station. We understand that additional capacity can be catered for in Celbridge, subject to the planned local network upgrades by Irish Water. The planned upgrade works to the wastewater network form part of Irish Water's Capital Investment Plan and are due to be completed in 2023 and 2025.

3.4 The RSES identifies Celbridge as a highly urbanised settlement within the wider Dublin Metropolitan Area (DMA). The Metropolitan Area Strategic Plan (MASP) sets out a strategy to achieve growth to 1.65 million people in the DMA by 2031 through the delivery of large-scale strategic development areas. The guiding principles for the growth in the DMA, as set out in the RSES, include:

- **Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target of 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.**
- **Integrated Transport and Land use – To focus growth along existing and proposed high quality public transport corridors and nodes on the expanding public transport network and to support the delivery and integration of 'BusConnects', DART expansion and LUAS extension programmes, and Metro Link, while maintaining the capacity and safety of strategic transport networks**

3.5 The RSES also recognises the DART expansion to Celbridge-Hazelhatch as a key transport infrastructure investment in the metropolitan area, and identifies it as short to medium term enabling infrastructure.

3.6 This approach is also consistent with the Housing Supply Target Methodology for Development Planning Section 28 Guidelines, published in December 2020 which states:

*"In particular, planning authorities that are seeking to justify total demand converging with the NPF strategy under row 'F' in Table 1 above, will need to both demonstrate and provide satisfactory policy safeguards, to ensure **that their core strategy aligns with national and regional policy as set out in the NPF and relevant RSES. For example, seeking to provide disproportionate levels of new housing development in relatively small settlements with inadequate capacity to provide the necessary supporting services and infrastructure for a new community, and/or with limited public transport accessibility, would not be consistent with national and regional planning objectives.**" (JSA emphasis added).*

- 3.7 It is considered that the lower tiers of the settlement hierarchy have limited infrastructure capacity and the designation of a such a large number of very small settlements, with associated allocation of housing units, in areas outside the Metropolitan Area undermines the objectives set out in national policy to direct growth of upper tier settlements to achieve compact growth and the sustainable development of rural areas.

Submission Request 1 – Core Strategy and Table 2.8 – Reallocation of Housing Units

It is respectfully submitted that the housing targets in Table 2.8 of the Draft Plan do not fully reflect national policy and the RSES, particularly in relation to Celbridge, which is located in the Dublin Metropolitan Area and the existing / planned infrastructure which serves the town. The Draft Plan should prioritise growth into towns, such as Celbridge, which have good existing and proposed public transport provision and other supporting services.

On that basis, we respectfully request the Planning Authority consider increasing the unit target allocation for Celbridge, with a reduction in the allocation to other more dispersed and less sustainable locations, i.e. outside the Metropolitan Area, often with poor public transport and limited infrastructure capacity.

Additional Provision of Housing Lands / Sites

- 3.8 From a review of the Core Strategy and appendix 9 ‘Core Strategy Methodology’ it is not clear how the Planning Authority has considered the Draft Development Plan Guidelines, 2021, (DDPGs) in respect of zoning additional land, in addition to those required to meet the settlement housing supply target.

- 3.9 It is respectfully submitted that the well-established approach, as set out in the Section 28 guidelines, is to allow an element of headroom in respect to the residential land use zoning requirement to meet population projections over the Plan period and this should be continued in the Draft Plan. This has proved to be an essential part of ensuring adequate land supply, to reflect lands which are zoned and which may not come forward for development during the Plan period, having regard to constraints such as infrastructure, services and the unwillingness of some landowners to bring forward their land for development.

- 3.10 We would note that under Section 95 (1) of the Planning Act 2000 (as amended), planning authorities are obliged to:

*“Ensure that sufficient and suitable land is zoned for residential use, or for a mixture of residential and other uses, to meet the requirements of the housing strategy **and to ensure that a scarcity of such land does not occur at any time during the period of the development plan.**”* (Emphasis added)

- 3.11 Section 4.4.3 of the Draft Development Plan Guidelines, 2021, (DDPGs) recognises that additional land should be zoned over and above the projected housing demand for that settlement, where it is stated:

*“In providing housing sites for development within settlements, **it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses), than would equate to meeting***

precisely the projected housing demand for that settlement. This approach recognises that a degree of choice in development sites to be provided locally is desirable to avoid restricting the supply of new housing development through inactivity on a particular landholding or site.” (emphasis added)

- 3.12 The DDPGs confirm that after identifying the site/land requirements to meet a housing supply target for a settlement, the Planning Authority may also identify additional sites/lands to *“ensure sufficient choice for development potential is safeguarded.”*

*“In making provision for housing within settlements in the core strategy of a development plan, in certain instances a planning authority may therefore provide zoned residential sites in addition to those required to meet the settlement housing supply target. This means that a planning authority, after identifying the site/land requirements to meet the housing supply target for that settlement, may **also identify additional sites/lands to ensure sufficient choice for development potential is safeguarded.**”* (Emphasis added)

- 3.13 To address the requirement to ensure sufficient provision of housing land/sites, the DDPGs include an allowance for ‘Additional Provision’, of zoned lands of 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.

- 3.14 To bring the additional provision into effect, the DDPGs outline that the ‘additional provision’ should be undertaken on a settlement basis, to determine which zoned lands and sites in excess of that required to match the agreed housing supply target are provided where they state:

“Accordingly, on a settlement basis, the precise extent to which zoned lands and sites in excess of that required to match the agreed housing supply target are provided, is to be determined by the planning authority.”

- 3.15 The DDPG’s also allow for any parts of strategic and sustainable development sites that will be phased and built out over a longer period than the six year development plan to be included over and above as ‘Additional Provision’ lands.

- 3.16 The assumption that all zoned lands will be developed within the lifetime of any particular Development Plan is incorrect, and it is clear that this scenario has never been realised in any Development Plan.

- 3.17 Consideration should be given to the length of time it typically takes from the zoning of land to the completion of housing. Experience is that this can take on average 12 years or more, having regard to varying ownership and funding situations pertaining to various landholdings, issues with site assembly, infrastructure provision, obtaining planning permission, compliance with conditions of planning, and construction. Therefore, it would be entirely unrealistic to expect all residential zoned land to be developed with completed dwellings in 6 years from the making of the plan.

- 3.18 To seek to strictly match the extent of housing land to the housing need for a six year period will therefore inevitably lead to a very significant under

provision of zoned land and consequently housing in the county over the next plan period, exacerbating the already chronic shortage in housing.

- 3.19 It is acknowledged that the NPF and RSES require a more detailed assessment of the suitability of potentially zoned land for development, including availability to infrastructure and services, and this is discussed further below. It is important that this is undertaken to accurately assess likely delivery levels and to provide a sustainable usable landbank beyond the identified housing targets to ensure the delivery of houses in the short to medium term. Such an approach to land supply would provide an improved chance of matching actual housing delivery with the growing population of the county.

Submission Request 2 – Core Strategy and Table 2.8 – ‘Additional Provision’

Having regard to the above, it is important that the new Development Plan does not constrain the delivery of housing. It is requested that the Draft Plan and Table 2.8, which sets out the Population and Housing Unit Targets, takes account of the Draft Development Plan Guidelines and allows for the 25% ‘additional provision’ in relation to the residential land use zoning requirement for relevant settlements, including Celbridge.

Sequential Growth of Towns

- 3.20 It is welcomed that Section 2.8.1 of the Draft Plan acknowledges that the NPF sets out (National Policy Objective 72a) that planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan, with reference to Appendix 3 of the NPF which provides a methodology for the ‘tiered approach to land zoning’.
- 3.21 The RSES also supports a sequential approach to development, including *‘residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.’*
- 3.22 The Draft Plan states a Sustainable Planning and Infrastructural Assessment (SPIA) was carried out for small towns and villages in the county, and that individual LAP’s will be prepared for higher order settlements, where individual infrastructure assessments will be carried out. However, this is not specifically recognised as part of the subsequent objectives, including CSO 1.9 which relates to the review and preparation of LAPs.
- 3.23 It is important that the Draft Plan includes specific objectives to promote and identify suitable lands in the subsequent review of the relevant Local Area Plans, ensuring that land that is serviced and spatially sequential to existing development is prioritised for development and to ensure that lands which cannot be serviced are not included in the housing allocations.
- 3.24 The Planning Authority is required to prioritise land consistent with compact and sequential development in areas served by or identified to be served by high quality public transport and with adequate services and facilities to meet the needs of future communities.

- 3.25 Our client's lands in Celbridge clearly fall under the Tier 1 classification. As set out in Section 2, it has easy access to the town centre, and therefore is spatially sequential to the existing development envelope. The lands are available to provide a sustainable new residential community and will deliver significant community gain in the form of the schools and public open space. Furthermore, as noted above, the additional capacity can be catered for, subject to the planned network upgrades which form part of Irish Water's Capital Investment Plan and are due to be completed in 2023 and 2025.

Submission Request 3 – Objective CSO 1.9 (Amended/additional text in green and text to be omitted in red)

Overall, in accordance with the sequential growth of towns sought by the NFP and RSES, it is respectfully submitted that the Draft Plan includes further support for prioritising development on lands proximate to town centres in key settlements, such as Celbridge.

In this regard, it is respectfully requested that Objective CSO 1.9 be amended to include the following additional text:

CSO 1.9- Review and prepare on an ongoing basis a portfolio of Local Area Plans (LAPs) for the mandatory LAP settlements of Naas, Maynooth, Newbridge, Leixlip, Kildare, Athy, Celbridge, Kilcock, Monasterevin, Sallins, in accordance with the objectives of the County Development Plan and all relevant Section 28 Ministerial Guidelines. Individual Infrastructural Assessments will be carried out to apply the tiered approach to the zoning provisions associated with their respective housing allocations. Identified sequentially located Tier 1 lands will be prioritised over Long-Term Strategic and Sustainable Development Sites (SSDS)."

4.0 CHAPTER 15 DEVELOPMENT MANAGEMENT STANDARDS

- 4.1 This section sets out the additional requested amendments to the Draft Plan relating to Chapter 15 – Development Management Standards.

Public Open Space

- 4.2 For residential developments, the Draft Plan (Section 15.6.6) requires 20% of the total site area to be provided as public open space on greenfield sites. This represents a 5% increase from the current Development Plan. This is considered onerous and does not align with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), which require only a minimum of 15% open space for greenfield sites, stating:

'In green-field sites or those for which a local area plan is appropriate, public open space should be provided at a minimum rate of 15% of the total site area.'

- 4.3 It is considered that the increased requirement for public open space provision has the potential to significantly compromise the design and layout of residential proposals as well as the ability to optimise and ensure the efficient use of land to deliver housing, whilst being contrary to Section 28 Ministerial Guidelines.

Submission Request 4 – Public Open Space (Amended/additional text in green and text to be omitted in red)

It is respectfully requested that Section 15.6.6 should be amended as follows:

“On greenfield sites, the minimum area of open space that is acceptable within the site is ~~20%~~ 15% of the total site area. This may include Natural / Semi-Natural Green Spaces incorporating the planting of native species and pollinator friendly areas which enhance biodiversity up to a maximum of 8%.”

Childcare Facilities

- 4.4 Section 15.5.2 of the Draft Plan refers to the ‘Childcare Facilities Guidelines for Planning Authorities’ (2001) and states that they “require” 20 childcare spaces for every 75 dwellings.
- 4.5 It is respectfully submitted that the 20 childcare spaces for every 75 dwellings is not a “requirement”, but rather a guideline standard and will depend on the particular circumstances of each individual site as reflected in Appendix 2 of the Guidelines.
- 4.6 The 2001 Guidelines further state (in relation to the recommendation) that:
- “However, the threshold for such provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas, in consultation with city / county childcare committees. The location of childcare facilities should be easily accessible by parents, and the facility may be combined with other appropriate uses, such as places of employment.”*
- 4.7 Further to this, the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)’ state in relation to childcare facilities that ‘one-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms’.
- 4.8 Section 15.5.2 of the Draft Plan also includes over prescriptive requirements for the assessment of childcare facilities as part of the undertaking of a Social Infrastructure Audit. It includes that the onus shall be on the developer to demonstrate that there are adequate childcare facilities to cater for the proposed development. In doing so the developer must; (i) clearly outline, on a map, the location of each childcare facility relative to the proposed development, (ii) the total number of childcare spaces on offer at the subject childcare facility with a clear breakdown of the various types of childcare that are available in each identified facility and (iii) details of any remaining capacity in each facility. This information must be supported, in writing, by each of the childcare facilities identified in (i) above and must be confirmed by the Kildare County Childcare Committee.
- 4.9 It is submitted that the information identified in points (ii) and (iii) above is not readily available to applicants and we are recommending that they are omitted. Our experience, from preparing such audits, is that such information is commercially sensitive and mostly not forthcoming from existing childcare operators. In any case, if it is to be verified by the Childcare committee of

Kildare County Council, this information will be more readily available to the Council than to a private developer, with the former being the more appropriate repository of such sensitive data.

Submission Request 5 – Childcare Facilities (Amended/additional text in green and text to be omitted in red)

For clarity, it is respectfully submitted that the following text should be included as part of SCO76:

“SC 076 Have regard to the criteria specified in the Childcare Facilities for Planning Authorities, DEHLG (2001), ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)’ and any updated policy guidance, regarding the provision of childcare and early years education facilities.”

Furthermore, in relation to Section 15.5.2 of the Draft Plan, it is submitted that the information identified in points (ii) and (iii) are generally not available to applicants and it is respectfully requested that the following criteria text should be omitted:

~~*(ii) the total number of childcare spaces on offer at the subject childcare facility with a clear breakdown of the various types of childcare that are available in each identified facility and
(iii) details of any remaining capacity in each facility. This information must be supported, in writing, by each of the childcare facilities identified in (i) above and must be confirmed by the Kildare County Childcare Committee.*~~

Parking

- 4.10 Section 15.7.8 of the Draft Plan sets out car parking standards, with Table 15.9 requiring 1.5 spaces per unit and 1 visitor space per every four apartments. The supporting text states that “other than ‘residential’, parking standards are maximum standards....”.
- 4.11 The supporting text outlines where lower rates of parking should be considered, but it is not specific in stating this is in relation to residential developments.
- 4.12 However, it is requested that further clarity is required to address how the parking standards have been considered in the context of the Apartment Guidelines 2020, in particular where it notes that ‘the quantum of car parking or the requirement for any such provision for apartment developments will vary, having regard to the types of location in cities and towns that may be suitable for apartment development, broadly based on proximity and accessibility criteria.’

Submission Request 6 – Table 15.9 Car Parking Standards (Amended/additional text in green and text to be omitted in red)

It is considered the supporting text and Table 15.9 should recognise that the quantum of car parking for apartment developments will vary, having regard to the location in accordance with paragraphs 4.18 to 4.27 of the Apartment Guidelines 2020.

It is requested that the following text should be included:

- *New residential development should take account of the different criteria regarding car parking including:
 - *A reduction of car parking standards will be considered on a case by case basis, having regard to the Apartment Guidelines 2020 including the type of location and based on proximity and accessibility criteria.**

5.0 CONCLUSIONS

- 5.1 This submission on the draft Kildare County Development Plan 2023-2029 has been prepared on behalf of our client Kieran Curtin, Receiver over certain assets of Maplewood Developments Limited and Barina Construction Limited in relation to our client's lands at Ballyoulster, Celbridge, Co. Kildare.
- 5.2 The specific requests made in this submission are set out in the tables in Section 3 and 4 of this submission relating to specific chapter(s) of the Draft Plan, to allow for ease of review and assessment. The primary justification for the suggested amendments is to ensure that the Draft Plan should prioritise growth into towns, such as Celbridge, which have good existing and proposed public transport provision as well as other services, and to ensure that the standards applying to such developments are consistent with national planning guidelines.
- 5.3 We would be grateful if you consider the contents of this submission when considering proposed amendments to the Draft Kildare County Development Plan 2023-2029. We look forward to the opportunity to make further submissions on the Development Plan as it proceeds through the public consultation process.

Yours sincerely,



John Spain Associates