An Taisce Submission to the Pre-Draft Consultation on the Kildare County Development Plan 2023-2029

March 2021

An Taisce welcomes the opportunity to make a submission to the pre-draft consultation for the new Kildare County Development Plan 2023-2029. We request the Planning Authority take our comments into consideration in the drafting, finalisation, and adoption of the new Development Plan, including the accompanying Strategic Environmental Assessment and Appropriate Assessment.

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new Plan.

As populations continue to grow, both urban and rural areas are often faced with increasing pressures and problems. The new Kildare County Development Plan (CDP) should represent a catalyst for positive change and facilitate the development of the county in a plan-led, sustainable manner. The CDP should strive to establish a coherent framework for the coordinated sustainable economic, social, cultural and environmental development of the county in line with the UN Sustainable Development Goals.

1.0 STRATEGIC PLANNING AND ZONING

The location of residential zoned lands needs to be informed by the CDP's Core Strategy and the National Planning Framework.

In accordance with the provisions of the Planning and Development (Amendment) Act 2010 (PDA), it is a mandatory legal requirement that the land-use zoning and other provisions of CDPs are consistent with the relevant Regional Planning Guidelines, the National Planning Framework, and S.28 Ministerial Guidelines issued under the Planning Acts 2000-2010.

The zoning of land for appropriate and sustainable uses is at the heart of planning. The PA must recognise that its own interest is only effectually achieved through integration with its region and surrounding area. The prioritisation of future development towards efficient, compact and walkable serviced locations in accordance with the sequential approach and infrastructure capacity is a necessity.

Strategic Planning and Zoning Recommendations

- The CDP must comply with methodical and evidence-based approaches to land-use zoning and settlement planning included under the Planning and Development Act 2010 (PDA) which require a demonstrated rational assessment of zoned land requirements based on such criteria as, inter alia, regional population targets, the sequential approach, flood risk assessment, infrastructure capacity, natural habitats and S.28 Guidance.

- Land zoned for residential development must be located in close proximity and/or be well connected by public transport corridors (rail or bus) to existing and/or proposed services (e.g. schools, retail, community/health centres, sports/amenity facilities, etc.) and employment sites.
- Following an evidence-based assessment of the quantum of zoned land within the CDP areas, where there is surplus supply, an appropriate quantum of land must be de-zoned, down-zoned or phased in accordance with the provision of the PDA 2010.
- The Planning Authority (PA) must only apply considerations of proper planning and sustainable development (i.e sequential approach, flooding, etc.) in zoning, phasing, de-zoning or downzoning land and disregard all other considerations including private interests or potential commercial or rate-generating revenue.
- The sequential approach must be applied to the zoning of all land and the review of zoning in accordance with the PDA 2010 (including the phasing, de-zoning or down-zoning land).
- Small-scale local industrial/commercial zones proximate to existing or proposed residential areas must be provided to deliver local employment opportunities rather than promoting large-scale industrial/warehouse parks.

2.0 SUSTAINABLE LAND USE AND TRANSPORT

A defining pattern of spatial development in Kildare and around Ireland in recent decades has been of a sprawling, uncoordinated nature where land has been developed in a "leapfrog" low-density pattern. This type of land-use development has created places that lack adequate public facilities, have diminished liveability and, crucially, are dependent on private cars for long commutes. Heavy reliance on private car travel has significant adverse impacts on health and wellbeing as it promotes sedentary lifestyles. Sprawling settlements and car dependence also contribute significantly to Ireland's greenhouse gas emissions. This must be addressed in order to ensure that the country meets its EU climate change obligations and breaks its dependence on fossil fuels.

Current and continuing levels of car use and dependence in Kildare have multiple adverse health and cost impacts in air pollution, greenhouse gas emissions, noise pollution, congestion, wasteful land and resource use, reinforcing sedentary lifestyles and making local areas and urban and rural roads less attractive for walking and cycling. Transition to electric vehicles only addresses the first two of these impacts, and only incrementally.

Therefore, the CDP must take the lead in ensuring that the planning, development, and design of Kildare's towns and settlements encourages a shift from dispersed, car-orientated settlement patterns to walkable, cycleable, and transit-orientated development patterns.

To accomplish these goals, the CDP should include strong and enforceable policies to promote compact towns where distances between origins and destinations are shorter and where walking, cycling and public transport are prioritised. This will help ensure the efficient delivery of services and infrastructure, enhance social capital, create compact and walkable communities, and protect the natural environment. The CDP must also align with regional

and national plans and strategies such as the Smarter Travel framework in order to implement such policies.

2.1 LAND USE AND SETTLEMENT PATTERNS

It is imperative that the CDP addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. The most sustainable form of rural development is the village/small town cluster, which allows for easy access to services and infrastructure, increases the social and economic vitality and viability of the area, creates well-connected and permeable transport networks, and maintains the integrity of the natural environment. Consolidated settlement also brings about a critical mass of people, which facilitates the development or enhancement of public transport in the area.

The PA must also address the prevalence of one-off and dispersed housing in Kildare, which creates an unsustainable housing pattern and promotes car dependency. The CDP has a key role to play in providing suitable housing choices and alternatives to one-off housing. For example, it should be a specific objective of the CDP to deliver suitable locations for serviced sites with access to piped infrastructure for those wishing to build their own houses. Development should also be consolidated in and around already serviced areas providing access to shops, schools, workplaces, etc.

Furthermore, lessons should be learned from what was a systemic failure to apply the seven test requirements for housing location in urban areas as required by the National Spatial Strategy 2002-2020[1] (Box 5.2 in the Strategy and copied below). An Taisce considers these seven tests to be well-considered measures to ensure that new housing is provided sustainably. We recommend that the PA use and expand upon them in CDP as a baseline for quantifiable improvement of housing planning. Moreover, in light of the deepening national housing crisis, the CDP must also focus heavily on requirements for the provision of social housing.

[1] National Spatial Strategy 2002-2020: http://nss.ie/pdfs/Completea.pdf

	Evaluation Considerations
The Asset Test	Are there existing community resources such as schools, etc. with spare capacity?
The Carrying Capacity Test	Is the environmental setting capable of absorbing development in terms of drainage, etc.?
The Transport Test	Is there potential for reinforcing usage of public transport, walking and cycling?
The Economic Development Test	Is there potential to ensure integration between the location of housing and employment?
The Character Test	Will the proposal reinforce a sense of place and character?
The Community Test	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
The Integration Test	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

Table 1: Tests for housing locations in urban areas from the National Spatial Strategy 2002

2.1.2. Sequential Approach to Development

The prioritisation of future development in Kildare's towns towards efficient, compact, walkable, and serviced locations in accordance with the sequential approach and existing infrastructural capacity is imperative.

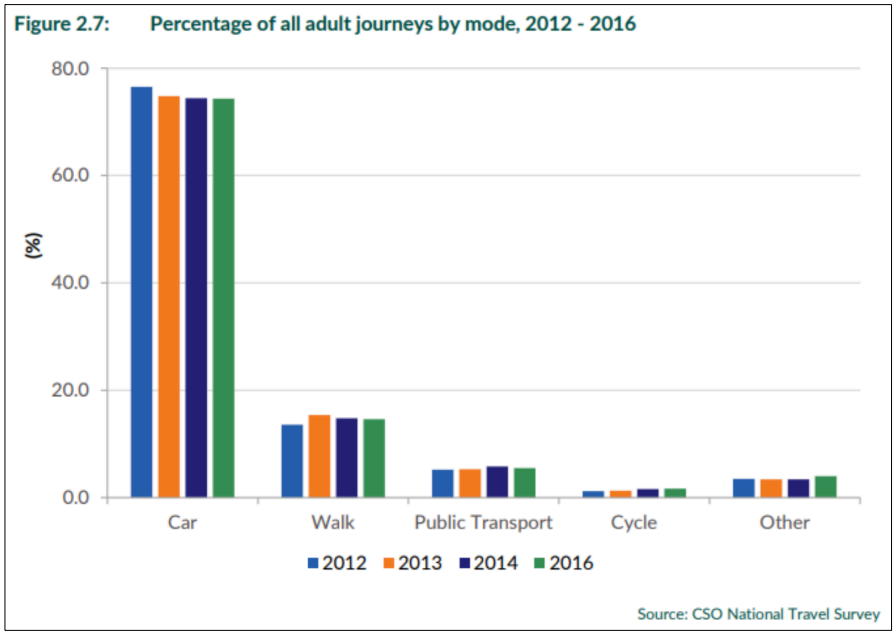
The town planning in the CDP should be guided by the existing essential social infrastructure (schools, community facilities, etc.) and physical infrastructure (transport, water services, communications, etc.), including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision in the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure within the plan period or a reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development. The PA must engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide.

2.2 ACHIEVING A MODAL SHIFT IN TRANSPORTATION

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for citizens, it is imperative that the CDP addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. A crucial aspect of this is investment in public transport, walking and cycling is maintained and improved in order to offer communities a viable alternative to private cars.

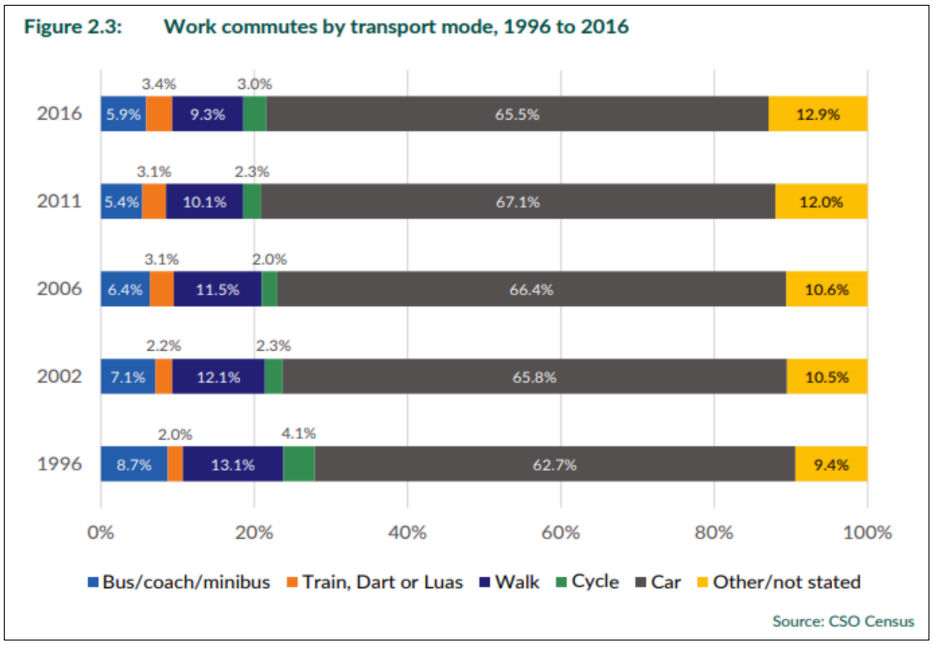
The data presented in a 2020 Government review of sustainable mobility policy[2] make it unequivocally clear that Ireland has failed to achieve the modal shift in transport that was envisioned in the Smarter Travel policy (2009) and a suite of other transport-related policies. Yet, as noted in the review, transport[3] accounted for over 27% of Ireland's emissions in 2017, with 52% of that generated by private cars.

CSO data show that private car dependence is extremely high - 74.3% of all journeys are made by car. 15% are made on foot while only 5.5% are by public transport and a shockingly low 2% by bicycle (see chart below). We note that the National Cycling Strategy, which ran in parallel to Smarter Travel, provided that 10% of all journeys would be made by bike by 2020. Notably, public transport use and accessibility in smaller towns and rural areas is also particularly poor. For example, Dublin residents are over six times more likely to use public transport than people outside Dublin.



Similarly, a cornerstone target of the Smarter Travel policy was that commuting journeys made by car should drop from 65% to 45% by 2020 while commuter journeys by walking, cycling and public transport should increase to account for 55%. As the 2016 census data below shows, we have completely failed to achieve that. In fact, the share of car journeys to work has *risen* since 1996 and actually surpassed the Smarter Travel baseline of 65%. The percentage of commutes made by cycling, walking or taking the bus has decreased and is nowhere near the 55% share stipulated by Smarter Travel.

[2] https://www.gov.ie/en/consultation/f1b503-public-consultation-on-a-review-of-sustainable-mobility-policy/
[3] This does not include aviation or maritime travel emissions.



So while there is certainly now a profusion of policies and guidelines aimed at advancing sustainable mobility, it is abundantly clear that their implementation on ground is sorely lacking. To reverse this, *all* sustainable mobility policies in CDP need to be targeted, timetabled and resourced. All objectives should have highly specific annual targets attached with detailed monitoring and enforcement programmes put in place to ensure their achievement.

An Taisce considers that the five key goals of the Smarter Travel framework are still relevant and should form the basis of key objectives and policies in the new CDP:

(i) to reduce overall travel demand,
(ii) to maximise efficiency of the transport network,
(iii) to reduce reliance on fossil fuels,
(iv) to reduce transport emissions, and
(v) to improve accessibility to transport.

The efficacy of said policies should be bolstered by preparing a local transport plan alongside the CDP setting out how the objectives of the national Smarter Travel policy will be achieved locally and translated into measurable action. Furthermore, Mobility Management Plans must be made mandatory through the development management process for planning applications (including one-off houses) requiring applicants to demonstrate how the objectives of Smarter Travel will be achieved through the development proposal.

In the context of land use planning, the most effective means to achieve these objectives is to prevent inefficient and unsustainable car-based development sprawl i.e. planning for the

best use of land to benefit from investment of public funds in physical infrastructure, including walking, cycling and public transport infrastructure.

The June 2020 Programme for Government sets out as overarching mission: *"A Better Quality of Life for All"* with *"A national clean air strategy," "Better work life balance"* and *"a fundamental change in the nature of transport in Ireland"* as key objectives.

It sets out as immediate priority actions:

> *"Necessary improvements in climate impact, quality of life, air quality and physical and mental health demand that every effort is made by the Government to make active travel and public transport better and more accessible.*
>
> *Each local authority will be immediately mandated to carry out an assessment of the road network, to see what space can be allocated for pedestrians and cyclists. This should be done immediately*."

In light of the Programme for Government mandate and the aforementioned data, we cannot overstate the urgency with which the Council needs to address the current unsustainability of transport in the county and the ongoing failure to achieve meaningful progress toward a modal shift away from private car use.

2.2.1 Promoting Walking and Cycling

Advancing walking and cycling as alternatives to private car use will prove crucial to the sustainable development of Kildare. It will also contribute to improving the health and wellbeing of the county's population.

Car dependency has several key health impacts:

- Driving contributes to air pollution, and air pollution causes morbidity and mortality[4].
- High car dependency and long commutes decreases leisure time and contributes to sedentary lifestyles. This has long been associated with physical health consequences such as obesity and cardiovascular disease as well as mental health impacts including anxiety and depression.
- Increased vehicle miles travelled and increased car dependency heightens the chances of road traffic accidents, fatalities and injuries.

In Ireland specifically, a number of studies and action plans done in recent years outline the population's general health and participation in physical activity. It has been concluded that the Irish population is not meeting recommended physical activity levels. The World Health Organisation has highlighted that the use of "passive" modes of transport are associated

[4] Fumkin, H. (2002) 'Urban Sprawl and Public Health. Public Health Reports', Public Health Reports, 17, pp. 201-208

with increased inactivity levels as well as poor air quality, traffic congestion, and a lack of adequate walking and cycling infrastructure[5].

The shape of the built environment can influence everyday lifestyle choices that affect personal health and wellbeing. Therefore, it needs to be reshaped in a way that will actively encourage walking, cycling, and other forms of recreation to help reverse inactivity levels.

The National Physical Activity Plan for Ireland[6] emphasises the importance of the built environment in encouraging active transport options. The targets laid out in Action Area Four of the plan states that local authorities should prioritise the development of walking and cycling infrastructure, for example, through the creation of connected cycle and footpath networks as well as the development of local and regional parks.

Whether in larger urban areas such as Naas and Newbridge or in rural areas, a significant level of car use is generated by short journeys that could be made by foot or, in particular, by bicycle. In addition to workplace travel, this includes school trips, family visits, access to local services and smaller shopping needs, access to local sport training grounds, and access to community facilities. A particularly problematic impact is the level of car-based trips to parks, recreation facilities and amenities, which has the effect of undermining the quality of the place of travel.

An Taisce recognises that developing strong pedestrian and cycle networks in small towns and rural areas may present various challenges. However, there are a number of existing national guidance and policy documents that can assist with active transport planning in Kildare.

The National Cycle Policy Framework[7] includes practical measures to help achieve these objectives. The framework takes a methodical approach to investment and has a robust research base. Better catering for cyclists and pedestrians must follow the hierarchy of provision, which starts with cutting speed and altering traffic patterns as follows:

1. *Reduce traffic speed and enforce the law.*
2. *Reduce traffic volume, particularly HGVs.*
3. *Redesign poorly-configured junctions and better manage traffic.*
4. *Increase road space for cyclists and pedestrians (with wider inside lanes for example).*
5. *Consider dedicating hard shoulders to cyclists.*
6. *Having considered and, where feasible, undertaken all of the above, are there roads or streets that would benefit from the installation of on-road cycle lanes? Are there alignments that can be considered for off road cycle lanes?*

[5] WHO. Global Strategy on Diet, Physical Activity and Health, Physical Inactivity: A Global Public Health Problem
[6] National Physical Activity Plan: http://www.getirelandactive.ie/Professionals/National-PA- Plan.pdf
[7] National Cycle Policy Framework: http://www.smartertravel.ie/content/national-cycle-policy

The Design Manual for Urban Roads and Streets provides comprehensive guidance on road design and details the differences in appropriate cycling facilities based on road size, the volume and speed of traffic, etc. (see section 4.3, and especially section 4.3.5)[8]. This manual also contains information on effective street design for pedestrian use. The Rural Cycle Scheme Design document also provides in-depth guidance on the types, layout, placement, and design of cycling infrastructure[9]. Further information can be found in the National Cycle Manual[10].

Detailed transport planning is especially important in the areas newly zoned for residential development where streets should be designed to facilitate pedestrian and cycle travel. The design concepts for these areas should provide more specific information as to what type of facilities will be provided along the designated pedestrian/cycle routes. Although new residential development proposals may provide high quality foot and cycle paths around the dwellings, these often terminate immediate outside the site boundary, thereby discouraging residents from using active travel modes outside of the development itself. This is something that the new CDP should seek to address.

It should be the policy of Kildare County Council to engage with community health, sporting and other organisations in achieving a transformative shift to walking and cycling as the default or preferred mode of choice of shorter journeys. The focus would be on family-orientated cycling, and cycling for all ages and abilities for local trips of all kinds. The initiative would focus on creating community supported safe cycling route enhancement for access to workplaces, local services, schools, parks, gyms, and sports grounds.

Immediate interventions can be carried out with low cost interventions on existing road space, which would achieve the greatest benefit in creating more attractive safe cycling routes.

A wider community and sports club initiative in promoting cycling would also benefit enhanced safe cycling to schools. This would complement the work An Taisce has been carrying out with National Transport Authority support in the area of active school travel.

2.2.2 Creating car-free zones

The trial of the Sunday car-free zone along a portion of the Grand Canal in Naas has been very successful thus far. An Taisce recommends that this zone be made permanent and that the CDP provide for similar zones in other towns throughout the county.

[8] Design Manual for Urban Roads and Streets: http://www.dttas.ie/corporate/publications/english/design-manual-urban-roads-and-streets
[9] Rural Cycle Scheme Design: http://www.tiipublications.ie/library/DN-GEO-03047-01.pdf
[10] National Cycle Manual: https://www.cyclemanual.ie/

Sustainable Land Use and Transport Recommendations

- The PA must ensure that proactive measures are included in the CDP to promote settlement nucleation and to protect rural areas from a proliferation of car-dependent, dispersed, urban-generated settlement.
- The PA must ensure that the planning, development and design of our towns, cities and schools encourages a shift from car-orientated urban patterns to walkable, cycleable, and transit-orientated development patterns. The CDP should include strong, enforceable policies that would promote compact towns and cities where distances between origins and destinations are shorter and with walking, cycling and public transport prioritised. This reshaping of our built environment will also help reverse inactivity levels in Ireland.
- In accordance with the Sustainable Residential Development Guidelines in Urban Areas, the CDP must include policies to prohibit large-scale suburban type development proposals. Only development proposals commensurate with local physical infrastructure and social capital carrying capacity should be permitted.
- The CDP must include policies to provide alternatives to unsustainable, urban generated dispersed one off housing, including for example, a serviced site policy.
- The CDP should utilise the seven location test standards for community integration for new housing outlined in Box 5.2 of the National Spatial Strategy. Unlike sustainability/quality of life indicators, these should be threshold standards without which no development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations and availability of recreation facilities.
- The CDP needs to set our clear strategy and policies to coincide with existing strategies and frameworks which promote a built environment that encourages opportunities for physical activities including 'Smarter Travel', 'The National Cycle Policy Framework', 'A Framework for Improve Health and Wellbeing 2013-2025' and 'Get Ireland Active! National Physical Activity Action Plan for Ireland'.
- A local transport plan must be prepared alongside the CDP setting out how the objectives of the national Smarter Travel policy will be achieved locally and translated into measurable action.
- The CDP must include permeability and way finding studies to identify a safe network of existing/future walking and cycling routes which must be used as a chief criteria to selecting all land zoned for new development connecting with key services and amenities such as schools, shops, parks etc.
- Mobility Management Plans must be mandatory through the development management process for all planning applications (including one-off houses) requiring applicants to demonstrate how the objectives of Smarter Travel will be achieved through the development proposal.
- Include a policy to engage with community health, sporting and other organisations in achieving a transformative shift to walking and cycling as the default or preferred mode of choice of shorter journeys. The focus would be on family-orientated cycling, and cycling for all ages and abilities for local trips of all kinds.

- Provide for car-free zones in Kildare's towns, such as that along Grand Canal in Naas that is currently being run on a trial basis.

3. ADDRESSING THE CLIMATE EMERGENCY

The global climate emergency is the defining challenge of our time, and the scale of change needed to meet Ireland's commitments under EU law and the Paris Agreement is enormous. It is therefore imperative that the new Kildare Development Plan contributes to meeting sectoral targets at regional, county, city, and local levels. An overarching objective of the new CDP must be to break county's ongoing dependence on fossil fuels, stop the county's contribution greenhouse gas emissions, and prepare Kildare with the resilience to thrive in a time of climate uncertainty, all with regard to equity and Just Transition principles. All climate mitigation policies in the CDP must be targeted, timetabled and quantifiable..

As climate change both impacts and is impacted by all areas of planning and development, An Taisce recommends that each chapter of the new plan be assessed against climate objectives and targets, including those outlined in the Paris Agreement and EU policy, with regard to electricity generation, renewables share, transportation, building energy use, etc. The recent Draft Longford Development Plan provides a useful example of climate integration throughout the plan. Each chapter contains a climate context section with climate-specific objectives relating to the theme of the chapter.

Both the policies and the zoning in the new CDP should take account of up-to-date climate projections. This is of particular importance with regard to increased fluvial and pluvial flood risk. New development proposals should also be required to demonstrate consideration of this.

In 2017, transport accounted for 19.8% of Ireland's greenhouse emissions according to the EPA (2019). Therefore, further infrastructure investment in roads (outside of road infrastructure maintenance) to serve energy inefficient and emission-generating private motorised vehicles is untenable. Shaping of our society and economy around fossil fuel-based transport (i.e. dispersed settlement patterns, suburban sprawl, export growth) will inevitably undermine our position in emission reduction.

Carbon emissions in other sectors also need to be addressed and reduced. According to the SEAI's Residential Energy Roadmap, our homes account for more than a quarter of Irish energy related carbon emissions. During the next decade, we must continue to push the envelope towards cutting edge building standards for new homes.

As a priority, the need for reuse, rather than redevelopment, of existing buildings of all periods must be emphasised. Existing buildings should always be kept in use and improved in thermal performance and accessibility rather than redeveloped (projected energy savings of a new building will never overcome the massive environmental footprint of demolition and redevelopment), and having regard to the UN Sustainable Development Goals (SDGs) which

oblige the reuse and repurposing of existing buildings in the aim of saving embedded energy.

3.1 LEGAL REQUIREMENTS FOR ACTION

The PDA 2010 includes a mandatory objective for development plans as follows [Section 10(2) of the 2000 Act as amended by Section 7 of the Planning and Development (Amendment) Act 2010]:

> *"The promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to:*
>
> *i. Reduce energy demand in response to the likelihood of increases in energy and other costs due to long-term decline in non-renewable resource,*
> *ii. Reduce anthropogenic greenhouse gas emissions, and*
> *iii. Address the necessity of adaptation to climate change.*
>
> *In particular, having regard to location, layout and design of new development."*

Therefore, the PA has a legal obligation to respond to the challenges of climate change through development which reduces energy demand, supports sustainable modes of transport to reduce the county's GHG emissions and advances approaches such as green infrastructure to provide multifunctional adaptation solutions. Such development will minimise Kildare's greenhouse gas emissions and help the county manage the effects of climate change, with particular reference to land use, energy, transport, water resources, flooding, waste management, and biodiversity.

Making climate action a crucial component of the CDP's core strategy, policies and objectives goes beyond the legal requirement of addressing climate change; they will provide an array of benefits to local communities and individuals such as:

- Significantly lowered energy costs
- Increased physical and mental wellbeing through the provision of green space as well as walkable and cycle-friendly communities
- Substantially decreased flood risk (also decreased damage and costs from the storms and floods that do occur)
- Improved air quality and respiratory health
- Improved water quality
- Decreased traffic congestion
- Employment opportunities, for example, in renewable energy
- Increased liveability and vibrancy of communities.

Addressing the Climate Emergency Recommendations

- A primary objective of the CDP must be to break Kildare's dependence on fossil fuels, stop the county's contribution greenhouse gas emissions, and prepare Kildare with the resilience to thrive in a time of energy and climate uncertainty.
- The CDP must include targeted and timetables policies for the above.
- All CDP chapters should be assessed against climate considerations.
- Prepare a strategy which would see the electrical generation needs of the county primarily met by renewable sources in accordance with our national obligations for 2030, including use of local renewable energy sources, district heating and combined heat and power, and energy demand reduction measures.
- Take account of the most up-to-date climate projections in all zoning decisions.
- Prioritise the reuse and improvement of existing buildings over demolition and redevelopment.

4.0 ECONOMIC, EMPLOYMENT AND RETAIL DEVELOPMENT

A key factor for the future economic, social and environmental prosperity of County Kildare is the creation of an appropriate critical mass of population in the targeted settlement centres. The key locational criteria for new employment generating enterprises are urban centres with sufficient agglomerations of scale to support a range of vital support services and infrastructure (e.g. broadband, water services, social capital, etc.) for both the enterprise and individual employees. The new CDP needs to address the location of current employment trends, with an analysis of future demand.

The PA should also have regard to the Town Centres First policy as outlined in the 2020 Programme for Government to promote town centre regeneration and revitalisation through "*a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development, and promote residential occupancy in our rural towns and villages.*"

4.1 RURAL ENTERPRISE

An Taisce strongly supports local and rural enterprise which serves local population catchments**.** Small-scale enterprises and employment opportunities based on the sustainable use of indigenous local resources, particularly agriculture, agri-business and forestry are important in building local community resilience. To address the climate and biodiversity crises, the CDP should focus on the development of sustainable agriculture and forestry through the production of vegetable crops and the planting of native woodland.

4.2 RETAIL DEVELOPMENT

Over the past decade there has been sustained pressure from multiple retail operators for out-of-town big box retailing and to circumvent the sequential approach. The key drivers of this trend are convenient access to publicly subsidised road networks, increased price competition and the ability to provide significant amounts of free surface car-parking.

The granting of out-of-town centres as resulted in the decimation of historic town centres and the loss of many long-established local retailers. This in turn has had a knock-on impact for built heritage, social capital and quality of life. To protect the vitality of Kildare's town centres while promoting economic development, An Taisce make the following recommendations regarding retail and commercial development:

Economic, Employment and Retail Development Recommendations

- Implement a Town Centre First policy in line with the 2020 Programme for Government.
- Ireland's principle resource is our abundant availability of fertile agricultural land. The CDP must include policies to promote sustainable agriculture, particularly the production of vegetables, grains, pulses, fruits, etc.
- The CDP should include a policy for the promotion of local farmers' markets and identify locations where farmers' markets can take place.
- Out-of-town commercial and/or retail development must be strictly prohibited. Where it has been permitted historically, car parking charges must be made mandatory to level the playing field and the unfair competitive advantage accruing to 'big box' out-of-town retailer from free car parking and publicly subsidised road infrastructure.
- The PA should take an active role in site assembly for new retail development on brownfield and infill sites, including using CPO powers where necessary to provide for the sensitive revitalisation of town centres.
- The CDP should include a specific policy that explicitly provides that the change of use of retail warehouse units to non-bulky goods comparison and/or convenience uses will not be permitted.
- The CDP should include a policy which restricts large floor-plate multiples, which are dependent on complex fossil fuel-dependent supply chains, in favour of smaller floor-plate local shops.

5.0 WATER

The PDA 2010 (as amended) includes specific mandatory objectives to ensure the integration of water quality management requirements into the physical planning process. The management of surface and ground water in accordance with the provisions of the EU Water Framework Directive (WFD) will be one of the most crucial overarching challenges in

this CDP. Ireland faces an immense challenge in achieving 'good' status in all water bodies by 2027 as required by the WFD.

The EPA's latest report on Water Quality in 2019 (published in December 2020)[11] reveals that water quality trends in Ireland continue to be problematic. The report indicates that over one third of rivers and a quarter of lakes are failing to meet their environmental quality standards for nutrients. Of particular concern are the increasing pollution trends since 2015, with nitrate found to be increasing in nearly half of river sites, and phosphate increasing in a quarter of sites. This is in stark contrast to the situation in 2015 when nitrate was increasing in only 1.4 % of our rivers, and phosphate in 4%.

The achievement of our Water Framework Directive obligations for 2027 will have linked benefits in the protection and enhancement of biodiversity, combating climate change, improving human health, protecting landscape, and creating more sustainable settlement patterns.

We would highlight a recent court ruling by Justice Hyland (2018 740 JR), which clarifies how unassigned waterbodies must be treated when assessing planning applications against Water Framework Directive requirements, with implications for projects in proximity to unassigned waterbodies:

> "*The WFD, as interpreted by the CJEU, requires a Member State to ensure that the requirements of Article 4 are met before permission is granted. It cannot be so satisfied in respect of development affecting a water body whose status has (in breach of the WFD and the implementing regulations in Ireland) not been assigned by the EPA*." [para 130 2018 740 JR]

This should be reflected in the CDP.

5.1 MUNICIPAL WASTEWATER TREATMENT

After agriculture, wastewater discharges to water from human settlements, including towns, villages and rural houses, is generally the biggest source of water pollution through discharges of phosphorus, nitrogen, ammonium, pathogens, etc. The Implementation Review Country Report issued by the European Commission highlighted Ireland's position stating there are substantial implementation issues in Ireland when it comes to the Urban Waste Water Treatment Directive (EC, 2017).

As reported by the EPA in 2020[12], 19 out of Ireland's 172 urban areas failed the mandatory EU wastewater treatment standards in 2019, and these same 19 are responsible for over

[11] EPA (2020) Water Quality in 2019: https://www.epa.ie/pubs/reports/water/waterqua/waterqualityin2019-anindicatorsreport.html

[12] EPA (2020) Urban Wastewater Treatment in 2019: https://www.epa.ie/pubs/reports/water/wastewater/Urban%20waste%20water%20treatment%20in%202019%20Report%20%20web%20version.pdf

half of the country's sewage. 35 towns and villages are discharging raw sewage into waterbodies.

Ensuring that adequate wastewater treatment capacity exists prior to the approval of new development in cities and towns must be provided for in the CDP.

5.2 PRIVATE WASTEWATER TREATMENT

Despite the proliferation of dispersed settlement, much of the soil conditions throughout Ireland are unsuited to private on-site wastewater disposal. The legacy of this inappropriate development will be a significant challenge for the achievement of our binding Water Framework Directive targets for 2027.

The PA has binding legal obligations under the European Communities Environmental Objectives (Groundwater) Regulations 2010 and European Communities Environmental Objectives (Surface water) Regulations 2009. The EPA maintains the Code of Practice for private wastewater treatment, and PA must adhere to a stringent compliance regime with respect to all on-site private wastewater treatment facilities. These requirements coupled with other environmental regulations will mean that achieving planning permission for one-off dwellings will be increasingly more difficult. The CDP must deliver appropriate alternative locations for those wishing to live in self-build properties.

5.3 SURFACE WATER

The Intergovernmental Panel for Climate Change (IPCC) has predicted that Ireland will experience more intense and prolonged rainfall events as the climate crisis worsens. This has been evidenced by the recent serious rainfall events and flooding throughout Ireland.

The (formerly) Department of the Environment, Heritage & Local Government also issued the Flood Risk Assessment and Management Guidelines under Section 28 of the PDA 2010 on the management of flood risks and the planning system. This allows for the de-zoning or down-zoning of lands where their development would comprise an unacceptable flood risk.

Conventional hard-engineered storm water management systems to drain surface run-off from asphalt, concrete, and roof tiles are costly to implement and maintain. They also frequently fail causing urban flooding and degradation of water quality. Sustainable Urban Drainage Systems (SUDS) are now becoming the norm throughout Ireland and should continue to be prioritised and required by the CDP.

Water Recommendations

- The CDP must include a suite of integrated policy measures to ensure that the PA's legal obligations under the Water Framework Directive and the operable River Basin Management Plans are achieved.

- The CDP must be fully consistent with the PA's legal obligations under the Waste Water Discharge (Authorisation) Regulations (SI No. 684 of 2007).
- Circular Letter PD7/09 issued by the (formerly) Department of Environment, Heritage and Local Government sets out the "Combined Approach" and requires that planning permission should not be granted to development proposals where there is insufficient cumulative capacity within the relevant wastewater treatment plant. This further underlines the imperative for new development to be channelled to targeted development centres where the appropriate physical infrastructure is planned or present.
- The CDP must include policies to provide alternatives to unsustainable urban-generated dispersed one-off, including, for example, a serviced site policy.
- The PA must ensure that all private wastewater treatment proposals comply with the EPA Code of Practice and other related regulations.
- The CDP must de-zone or down-zone lands categorized in 'Flood Zone A' of 'Flood Zone B' applying the sequential approach. Where the zoning of recognised flood-prone areas is retained, a detailed Justification Test in accordance with the Flood Risk Assessment & Management Guidelines must be carried out.
- The use of Sustainable Urban Drainage Systems (SUDS) and rainwater harvesting must be mandatory for all new development proposals.

6.0 BIODIVERSITY, CULTURAL HERITAGE AND LANDSCAPE

Kildare is very rich in both natural and built heritage, and it is imperative that these be protected in the policies and objectives of the CDP.

6.1 NATURAL ENVIRONMENT & BIODIVERSITY

As highlighted in 'Our Sustainable Future, a Framework for Sustainable Development for Ireland', increasing prosperity, in Ireland and across the world, has allowed many people to enjoy the benefits of goods and services which were once available to just a few. While this shared prosperity represents huge progress, it does so at a cost of unsustainable patterns of consumption and production. The pressures on resources - raw materials, minerals, metals, food, water, soil, biodiversity, air, biomass and ecosystems - continue to increase. This enduring, negative trend endangers the availability of natural resources and impacts negatively on the quality of our environment and on human health and biodiversity, both within Europe itself and globally[13].

The 2018 "Living Planet Report" from the World Wildlife Fund[14] presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline is at 83% for freshwater species.

[13] Department of Environment, Community and Local Government. (2012) 'Our Sustainable Future, a Framework for Sustainable Development for Ireland

[14] https://www.worldwildlife.org/pages/living-planet-report-2018

Ireland has a poor record when it comes to protecting the natural environment. The sprawling nature of development and settlement pattern is a driving force for habitat fragmentation, biodiversity loss, agricultural land loss and is contributing to climate change. The 2019 report on "The Status of EU Protected Habitats and Species in Ireland[15]" (prepared every six years as required by Article 17 of the EU Habitats Directive) illustrates the poor condition of Ireland's biodiversity. Out of Ireland's 59 protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

Kildare County Council should set a lead example in minimising the use of herbicides and pesticides, while at the same time ensuring the control of invasive plant pieces. In particular, the Council should seek to promote biodiversity through pollinator-friendly planting and maintenance where possible for land and areas in its control, including in graveyards.

Kildare has seven Special Areas of Conservation (SACs) and one Special Protection Area (SPA). The CDP should lay out specific actions to ensure that the protection of these designated sites, as well as biodiversity more generally, is upheld in the planning process at all levels.

6.1.1 New EU policies

In May 2020, in furtherance of the 2019 European Green Deal, the European Commission published in parallel two key strategies: *"A Farm to Fork strategy for a fair healthy and environmentally friendly food system*" and "*EU Biodiversity Strategy for 2030 - Bringing nature back into our lives".*

The Biodiversity Strategy sets out a 14-point EU Nature Restoration Plan:

1. *Legally-binding EU nature restoration targets to be proposed in 2021, subject to an environmental impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.*
2. *The decline in pollinators is reversed.*
3. *The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
4. *At least 10% of agricultural area is under high-diversity landscape features.*
5. *At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*
6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*

[15] Article 17 Report Summary 2019
https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*
11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*
14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

These 14 points should be incorporated into the policies, objectives and land zonings of the new CDP. The key recommendations of the Farm to Fork strategy should also be integrated into the new plan.

6.1.2 Urban Greening

We would highlight Point 11 of the aforementioned EU Biodiversity Strategy that: "*Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan*."

With regard to greening urban and peri-urban areas, Section 2.2.8 of the Biodiversity Strategy states:

> *"Green urban spaces, from parks and gardens to green roofs and urban farms, provide a wide range of benefits for people. They also provide opportunities for businesses and a refuge for nature. They reduce air, water and noise pollution, provide protection from flooding, droughts and heat waves, and maintain a connection between humans and nature.*
>
> *The recent lockdowns due to the COVID-19 pandemic have shown us the value of green urban spaces for our physical and mental wellbeing. While protection of some urban green spaces has increased, green spaces often lose out in the competition for land as the share of the population living in urban areas continues to rise.*
>
> *This strategy aims to reverse these trends and stop the loss of green urban ecosystems. The promotion of healthy ecosystems, green infrastructure and nature-based solutions should be systematically integrated into urban planning, including in public spaces, infrastructure, and the design of buildings and their surroundings.*
>
> *To bring nature back to cities and reward community action, the Commission calls on European cities of at least 20,000 inhabitants to develop ambitious Urban Greening Plans by the end of 2021. These should include measures to create biodiverse and*

accessible urban forests, parks and gardens; urban farms; green roofs and walls; treelined streets; urban meadows; and urban hedges. They should also help improve connections between green spaces, eliminate the use of pesticides, limit excessive mowing of urban green spaces and other biodiversity harmful practices. Such plans could mobilise policy, regulatory and financial tools.

To facilitate this work, the Commission will in 2021 set up an EU Urban Greening Platform, under a new 'Green City Accord' with cities and mayors. This will be done in close coordination with the European Covenant of Mayors. The Urban Greening Plans will have a central role in choosing the European Green Capital 2023 and European Green Leaf 2022.

The Commission will support Member States and local and regional authorities through technical guidance and help to mobilise funding and capacity building. It will also reflect these objectives in the European Climate Pact."

It is therefore submitted that the new Development Plan should provide for the immediate development of an Urban Greening Plan for Naas, Newbridge and Celbridge, if not already accomplished by the end of 2021, as well as specific timelined and targeted policies for achieving the objectives of the Urban Greening Plans during the plan period.

Urban greening proposals should also be put in place for Kildare's smaller towns. For example, the removal of parking spaces in Poplar Square in Naas as well as in Kildare town and their replacement with picnic benches and planters are very welcome public realm improvements that enhance town biodiversity. The CDP should provide for such measures in all of Kildare's towns.

6.2 CULTURAL HERITAGE AND LANDSCAPE

Ireland's unique built and cultural heritage in increasingly threatened with destruction. Ireland is a signatory to UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage ratified by Ireland in 1991 and the Granda Convention ratified in Ireland in 1995. These conventions provide the basis for our national commitment to the protection of architectural heritage, the importance of "*handing down to future generations a system of cultural references*". To be effective, it relies on its signatory countries implementing their own national protective regimes.

The CDP should ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act and therefore the protection of Kildare's built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures. The CDP should include policies for monitoring buildings at risk and using the provision of Section 59 of the PDA 2010 to serve notices of endangerment to negligent property owners.

Biodiversity, Cultural Heritage and Landscape Recommendations

- The CDP and development management decisions of the PA must rigidly adhere to its substantial legal obligations under EU law, particularly with regard to the Habitats and Birds Directives.
- Seek to promote biodiversity through pollinator-friendly planting and maintenance where possible for land and areas in its control, including in graveyards.
- Achieving adherence to the PA's legal obligations under the Habitats Directive and other environmental legislation cannot be achieved without the preparation in tandem with the CDP of a full Strategic Environmental Assessment and Habitats Directive Assessment.
- The 14 points of the EU Biodiversity Strategy 2030 should be fully incorporated into the CDP. The Farm to Fork policy recommendations should also be incorporated.
- Urban Greening Plans should be put in place for Naas, Newbridge and Celbridge in line with Point 11 of the EU Biodiversity Strategy. Urban greening measures should also be provided for in smaller towns.
- The most significant demesnes and designed landscape in the county should be identified and planning policies applied to maintain and enhance their special character and significance in considering agricultural, recreational or other development.
- The CDP should seek to designate more ACAs and Special Planning Control Schemes.
- S.48 development levies for Protected Structures should be waived to encourage sensitive reuse and adaptation.
- Important views and prospects must be protected.
- The Architectural Heritage Protection Guidelines for Planning Authorities must be implemented in full.

7.0 STRATEGIC ENVIRONMENTAL ASSESSMENT

The preparation of a draft Development Plan requires Strategic Environmental Assessment (SEA) under the SEA Directive by Kildare County Council. An Taisce would highlight the following key articles.

Article 5 requires the preparation of an Environmental Report "*in which the likely significant effects on the environment of implementing the plan or programme and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated*."

Article 8 on "Decision Making" requires that:

> "*The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6* [public consultation] *and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure*."

Article 9(1)(b) on "Information on the Decision" requires that:

> "*A statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted in the light of other reasonable alternative dealt with*."

Article 10 sets out the provisions for the monitoring of a programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

1. *Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
2. *In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European Commission guidance states that "*Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances."*

The Council has a legal obligation to ensure that the SEA process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

An Taisce requests your consideration of the above comments and would welcome further opportunities to engage in the preparation of the new Kildare County Development Plan.