

09 November 2020

County Development Plan Review, Planning Policy and Projects Unit, Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary E45A099

Re: Draft Cahir Local Area Plan 2021-2027

A chara,

Thank you for your authority's work on preparing the Draft Cahir Local Area Plan 2021-2027 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context, and the need to balance competing pressures within an increasingly complex planning system.

The Office would like to commend your authority on the overall presentation and format of the plan and the level of detail provided therein, including supporting documentation. The Office also commends the public engagement carried out to inform the preparation of the draft LAP.

As your authority will be aware, one of the key functions of the Office includes assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft LAP under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000, as amended (the Act) and our submission has been prepared to provide high-level input to the finalising of the draft LAP.

Subject to the recommendations and observations below, it is considered that the draft LAP is consistent with the objectives of South Tipperary County Development Plan 2009-2015, and broadly reflects the key objectives of the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Southern Region (the RSES).

At the same time, the Office has identified a number of issues that your authority is requested to take into account in the finalisation of the LAP, in addition to other matters that your authority may take into account in your approach to the plan-making process in future.

## Overview

The draft LAP addresses the complexity of issues relating to rural towns of all sizes across the country. These issues include the need to implement the *Government's Rebuilding Ireland Action Plan for Housing and Homelessness*, to accommodate the growth in private housing and to regenerate and rejuvenate the town centre. It also responds to the need to refocus such development on sustainable modes, appropriate to a settlement of its size and considers the needs of different social groups, including the elderly.

The draft LAP considers the challenges of providing for realistic employment growth through a range of enterprises, including the key area of tourism and through building on the town's strategic location on the economic corridor between Limerick and Waterford, in particular.

Overall, a balance is achieved between the economic development of this important cultural and built heritage and sensitive natural environment, and the obligations to protect same.

The Office considers the draft LAP to provide a positive, a plan-led approach to the future coordinated development of this historic town, within its sensitive natural environment.

## 1. Population and compact growth

- 1.1 The draft LAP provides for 10% growth from 2016 for Cahir, which translates to an increase from 3,593 to 3,952 (359 persons), in order for the town to achieve its potential and fulfil its role as a District Town under the settlement strategy of the South Tipperary Development Plan 2009-2015.
- 1.2 In the absence of a new county development plan, pending the preparation of the Tipperary County Development Plan 2021-2027 which was initiated in September 2020, the level of growth is considered reasonable, as it is consistent with the upper growth rate for the county at circa 11% (17,700 people) to 2026 under the NPF Implementation Roadmap.
- 1.3 The Office, however, notes the significant challenge that will be faced by the planning authority in allocating growth across a revised settlement hierarchy which includes three key towns (Clonmel, Nenagh and Tipperary combined population 34,048 people).

1.4 These settlements are supported in targeting more than 30% growth as per regional policy objective (RPO) 11 of the RSES. There are five district towns, in addition to Cahir, as well as rural towns and villages of <1,500 population, and the open countryside, to which population growth will also have to be allocated under the preparation of the development plan.

### Observation 1:

The planning authority is requested to insert an objective in the LAP committing to commence procedures under section 20, no later than six months after the making of the new development plan, to amend the LAP to ensure the objectives of the LAP, including land use zoning objectives, are consistent with the development plan and its core strategy.

- 1.5 The Office commends the planning authority for the approach taken in the draft LAP, supporting the implementation of the objectives for compact growth under the NPF and the RSES through the significant reduction in the extent of lands zoned 'new residential' from circa 51.5ha to approximately 10ha.
- 1.6 This quantum is considered reasonable in view of the competing demands on the planning authority, including the implementation of the Government's *Rebuilding Ireland Action Plan*. The proposed zoned lands are also considered reasonable in terms of providing for sequential development.
- 1.7 However, the capacity of 'existing residential' zoned lands, which remain undeveloped, must also be taken into account in determining the capacity to accommodate population growth and housing yield.
- 1.8 An area of circa 3.8ha located on the eastern periphery of the settlement, within the townland of Farranlahassery (east of Lakeview Crescent, Hillview Crescent and Dun Uisce), appears to remain in agricultural use. This area would have the potential to accommodate 76 housing units (based on Table 6: Residential Units Required 2021-2027). In order to ensure greater consistency with the population growth strategy under the draft LAP, the land use zoning objectives require amendment as set out in observation 2 below.

## **Observation 2:**

In order to ensure greater consistency between the population growth strategy and the land use zoning objectives, the planning authority is requested to:

(i) Omit the undeveloped lands (circa 3.8ha) proposed to be zoned 'existing residential' in the townland of Farranlahassery;

or

- (ii) Reduce the extent of 'new residential' lands at the western periphery of the town by c.3.8ha.
- 1.9 The proposal to accommodate ancillary accommodation or residential use on lands proposed to be zoned objective 'T: Tourism and Recreation' at Cahirabbey opportunity site, which is located at a distance from the town, is not consistent with national and regional objectives for compact growth and is not consistent with the growth strategy for the settlement.
- 1.10 It would also be inconsistent with the advice of the Local Area Plans Guidelines for Planning Authorities (2012) and with the Development Plan Guidelines for Planning Authorities (2007) concerning sequential development of settlements. Further, it would be inconsistent with RPO 151, which states that residential development will be carried out sequentially, with lands most accessible by active and sustainable modes to be prioritised.

### Recommendation 1:

The planning authority is required to omit ''residential' as 'open for consideration' on lands proposed to be zoned objective 'T: Tourism and Recreation', and to remove 'residential use' from the development framework for Cahirabbey Quarry Site and from any other reference to the site development under the draft LAP.

# 2. Transport and accessibility

- 2.1 It is an objective of the RSES (RPO 151) that land use development in smaller rural towns will optimise public transport and sustainable travel integration within settlements, including through public transport interchange.
- 2.2 It is also an objective (RPO 163) to reduce modal share of private car and increase the modal share of travel by walking, cycling and public transport and car sharing through effective integration of land-use transport planning and to achieve smart travel targets (55% modal share for active and sustainable modes), with targets for modal share in LAPs informed by an evidence base of existing performance and identification of actions to achieve a modal shift.
- 2.3 Section 7.2 indicates that the Development Strategy supports model shift, as a priority over the plan period, through the appropriate zoning of land close to the town centre and existing services

<sup>&</sup>lt;sup>1</sup> National policy objective (NPO) 3c of the NPF.

<sup>&</sup>lt;sup>2</sup> RPO 35.

and employment opportunities. However, the draft LAP does not include a clear objective to achieve modal shift, including a modal shift target based on current baseline modal share.

#### Observation 3:

The planning authority is requested to include a definitive objective, with associated policies and measures, to achieve specified modal share targets, consistent with Government transport policy under 'Smarter Travel: A Sustainable Transport Future 2009-2020' (or its replacement, as appropriate), over the period of the LAP.

As per RPO 163, the targets should be informed by an evidence base of existing modal share and to include the identification of clear actions to be implemented to achieve a higher performance in modal shift towards sustainable mobility.

- 2.4 Section 6.4 Cahirabbey Integrated Tourism Development provides that the development of the Cahirabbey Opportunity site should include public access for pedestrians, cycle paths around the site and the delivery of a new pedestrian/cycle bridge over the Suir to link into the existing pathways on the eastern side of the river and the town. A similar objective was included in the LAP 2011.
- 2.5 The provision of these links, however, does not appear to be a prerequisite for the development of the tourism site and the provision of same, including the construction of a bridge over the Suir, is intended as a community-led project.
- 2.6 Direct pedestrian and cycle links between the Cahirabbey site and the town will be necessary to provide an integrated approach to the redevelopment of the site consistent with RPO 151 and RPO 163 of the RSES, to ensure its integration with the town in physical and economic terms (with synergistic benefits), and to engender modal shift (for staff and visitors) in accordance with the Government's targets under Smarter Travel.

### Recommendation 2:

The planning authority is required to insert an objective into the draft LAP that any decision to permit development on Cahirabbey opportunity site, zoned objective 'T - Tourism and Recreation', shall be dependent on the prior or concurrent provision of pedestrian and cycling links directly to the centre of the settlement and excluding any route via or following the N24.

- 2.7 The draft LAP indicates the Cahirabbey Quarry Site Opportunity Site will provide the required infrastructure and vehicular access from the existing quarry entrance off the N24, to facilitate use of the site for tourism and amenity uses. TII considers the approach, which defers consideration of critical access issues to development management stage to be inappropriate and inconsistent with the section 28 guidelines on Spatial Planning and National Roads Guidelines for Planning Authorities (DECLG, 2012).
- 2.8 The SPNR guidelines require that development plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kph applies. However section 2.6 pf the SPNR guidelines provide that planning authorities may identify stretches of national roads where a less restrictive approach may be applied, as part of the process of reviewing or varying a development plan, including a local area plan. The identification of such stretches of road are required to be done in consultation with TII, based on the criteria set out under section 2.6 of the aforementioned guidelines.

## **OBSERVATION 4:**

The planning authority is requested to consider the application of exceptional circumstances under section 2.6 of the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DECLG, 2012) in order to facilitate access from the Cahirabbey Opportunity Site, in consultation with TII and in accordance with any such advice that TII may issue.

# 3. Climate action

- 3.1 The draft LAP includes a number of climate action objections and policies relating to residential development. It is an objective (SCO5.3) to develop a toolkit for integration of climate action measures into the design and development of residential and mixed schemes.
- 3.2 It is the policy (SC4) to require new residential development proposals to incorporate measures to address climate change in residential development. Whilst the objective and policy are welcomed, the Office considers the following amendments to be necessary to improve the clarity

and certainty for same. Consultation with the Eastern and Midland Climate Action Rregional Office may be of assistance in this regard.

#### Observation 5:

The planning authority is requested to:

- (i) Specify a range of measures which would be consistent with policy SC4.
- (ii) Indicate a timeline for the completion of the toolkit for integration of climate action measures into the design and development of residential and mixed scheme under objective SCO5.3.

### 4. Environmental Assessments

4.1 The Strategic Flood Risk Assessment would appear to fall short of compliance with the requirements for flood risk assessment under the relevant section 28 guidelines. As detailed, below, a number of issues need to be addressed. Consultation with the Office of Public Works (OPW) on these issues is advised.

#### Observation 6:

The planning authority is requested, in consultation with the OPW, to fully implement the requirements The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), including:

- (i) the application of the Justification Test to urban centre sites where highly vulnerable uses would be accommodated, including the Mill opportunity site;
- (ii) take account of the potential impact of climate change on flood extent, having regard to CFRAMs and to the Guidelines; and
- (iii) Consideration should be given to the inclusion of climate change adaptation strategies for the Mill opportunity site
- 4.2 The Natural Impact Report states, under section 5 Mitigation and in the conclusions, that 'four additional measures are recommended for integration into the Plan in advance of adoption...detailed under Section 4'. These additional measures are not evident within section 4 or elsewhere in the Report.

## **Observation 7:**

The planning authority is requested to clarify which four additional measures were recommended for integration but which appear to have been inadvertently omitted, and to provide for the reintegration of these measures, as may be appropriate.

# **Summary**

The Office requests that your authority addresses the recommendations outlined above, which are made in the context of the provisions of section 31AO(3)(a) of the Act, in order to ensure that the LAP is consistent with relevant national and regional policy obligations, guidelines and legislative requirements.

The report of the chief executive of your authority prepared for the elected members under Section 20 of the Act must summarise these recommendations and the manner in which they should be addressed.

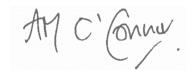
Your authority is required to notify this Office within **five working days** of the making of the local area plan and send a copy of the written statement and maps as made, in accordance with section 31AO(5) of the Act. **Please note that this statutory time line differs from the requirement for other consultees and must be complied with.** 

Where the planning authority decides not to comply with a recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with any recommendations made by the Office, then the chief executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matters further as regards the making of any recommendations to the Minister in relation to the provisions of sections 31AO and 31AP of the Act.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through <a href="mailto:plans@opr.ie">plans@opr.ie</a>.

Is mise le meas,



**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations