



25<sup>th</sup> January 2021

The Senior Planner,  
Planning Department,  
Kilkenny County Council,  
County Hall,  
John Street,  
Kilkenny

**CC:** The Senior Planner, Planning Department, Carlow County Council, County Buildings, Athy Road, Carlow.

**Re: Graiguenamanagh-Tinnahinch Draft Joint Local Area Plan 2020**

A chara,

Thank you for your authorities work on preparing the Graiguenamanagh-Tinnahinch Draft Joint Local Area Plan 2020.

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authorities have put into the preparation of the draft LAP, and in particular the cooperation in bringing it forward as a joint plan for the two settlements, and the extensive public engagement carried out to inform the development of the Draft Joint LAP.

More recently, you will have been notified of the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets, and the associated Section 28 Guidelines: Housing Supply Target Methodology for Development Planning. The planning authorities will, therefore, be required to review the Draft Development Plans, and in particular the respective Core Strategy allocations. Further advice in relation to this matter is provided below.

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 this submission has been prepared accordingly.

The Office's evaluation and assessment has had regard to the current county development plans, the Regional Spatial and Economic Strategy for the Southern Regional Assembly area (RSES), and relevant section 28 guidelines.

## **1.0 CORE STRATEGY**

### **1.1 Matters within the scope of section 19 of the Act**

The review of the Kilkenny and Carlow County Development Plans has recently commenced, through which the revised national and regional policy context, resulting from the making of the National Planning Framework (NPF) and Regional Spatial and Economic Strategy for the Southern Regional Assembly (the RSES) shall be incorporated, in accordance with the requirements of Section 11(1)(b) of the Act. Taking this into account, the timing of the making of the proposed LAP might have ordinarily expected to have been commenced after the review of the county development plans has concluded.

#### **Observation 1:**

*In view of the timing of the making of the proposed LAP, which precedes the incorporation of the NPF and RSES into the County Development Plans, it is advised that the planning authority inserts an objective in the LAP committing to commence procedures under section 20 to amend the LAP to ensure its objectives, including land use zoning objectives, are consistent with the development plan and its Core Strategy no later than six months after the making of the new development plan.*

### **1.2 Consistency with the development plan core strategy**

As noted above, the Draft Joint LAP was prepared at a time when the review of the Kilkenny County Development Plan and the Carlow County Development Plan were ongoing. The planning authorities have, therefore, made assumptions on target population growth in advance of the completion of the relevant county development plans being completed for County Kilkenny and Carlow.

Subsequent to the publication of the Draft Joint LAP, you will have been notified of the Ministerial Circular relating to Structural Housing Demand in Ireland and Housing Supply Targets, and the associated Section 28 Guidelines: Housing Supply Target Methodology for Development Planning.

In relation to plans currently under review, the Guidelines state that it will be necessary to demonstrate the manner in which the Core Strategy(s) and other elements of development plans are consistent with the NPF 50:50 City housing demand projection scenario identified by the ERSI (Appendix 1 Table 10), subject to the methodology set out in Section 4.0 of the Guidelines and adjusted for your plan period.

It is required therefore, that the population targets upon which the LAP is based must be reviewed and revised as necessary.

***Recommendation 1:***

*The planning authorities are required to review and revise as necessary the proposed Core Strategy allocation(s) to both Graiguenamanagh and Tinnahinch to ensure consistency with the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning and Appendix 1 of the accompanying Ministerial Circular.*

**1.3 Quantity of land zoned for Residential purposes**

The office also notes that the draft plan makes separate provision for Part V housing and lower density housing, in addition to the core strategy population growth, in the estimation of the quantity of land required to accommodate the population growth. (Tables 4.3, 4.4, 4.6 and 4.7 apply.) The Planning Authority is advised that the core strategy population derived from either the NPF Roadmap or the revised Housing Supply Targets includes all housing tenures and types, including Part V provision and lower density housing (as envisaged under NPO 18 (b) of the NPF, 2018), and there is no provision for increasing the core strategy population/housing supply targets to accommodate a range housing tenures or types.

In addition to the matter of inconsistency with the Core Strategy, the approach taken results in an overestimation of the housing supply needs for the joint settlements, and consequently the quantity of land zoned for residential development.

The quantity of land zoned for development purposes in the Draft Joint LAP will, therefore, need to be reviewed (and possibly reduced) in light of the revised Core Strategy arising from the: Housing Supply Target Guidelines (Recommendation 1) and omit additional provision for Part V or low density housing.

***Recommendation 2***

*The planning authorities are required to review, in an evidence-based approach, the quantity of land zoned for residential purposes to ensure consistency with any revisions arising from Recommendation 1 above, and to remove any additional requirements arising from the inclusion of additional lands over and above the Core strategy requirements relating to housing tenure or types of housing.*

## **2.0 Compact growth and regeneration**

The Office welcomes the strong policy commitment to the regeneration and urban renewal of both Graiguenamanagh-Tinnahinch.

In general, the proposed zoning objectives represent a sequential approach to zoning and consolidation of the existing built up areas of the settlements in accordance with Local Area Plans, Guidelines for Planning Authorities (2013) and NPO 3.

The Office does consider, however, that the proposed rezoning of relatively peripheral land west of the outer relief road would result in the expansion of Graignmanagh in a pattern of urban sprawl, inconsistent with the principle of compact growth (NPO 3). The residential site NR5 is poorly located in terms of the existing village centre and the important community services such as educational, health and retail, resulting in increased car dependency. Similarly, the COM1.1 zoning for Duiske College, involves the relocation of this second-level school from a more central and preferably located site in the centre of Graiguenamanagh to a more peripheral site which will again increase car dependency. The office would also highlight the fact that development on the western side of the relief road would result in new accesses and “crossings” of this busy link road built to enable HGV’s coming up from New Ross and heading across country to Carlow (N9).

### ***Recommendation 3***

*Having regard to the NPF’s objectives for compact growth, the planning authorities are required to remove proposed zonings NR5 and COM1.1 on the western side of the Graiguenamanagh Relief Road.*

## **2.1 Infrastructure and servicing of zoned land**

The Draft Joint LAP suggests that the tiered approach to zoning (TAZ) has been applied, as required by the National Planning Framework (NPO 72a, NPO 72b and NPO 72c refer). However,

no infrastructural assessment report is attached to the Draft Joint LAP and it is not evident which lands are already serviced or can connect to services, and what lands are to be provided with full services within the life of the plan to accommodate the population growth. For example, the implications for housing delivery over the plan period arising from the seasonal water deficit in the settlements are not clear.

### **Observation 2**

*The planning authorities are advised to demonstrate that the tiered approach to zoning required under the NPF (policies NPO72a, NPO72b and NPO72c refer) has been applied which should have regard to the provisions of an Infrastructural Assessment in accordance with the methodology set out in Appendix 3 of the NPF. Where infrastructure constraints are identified, the plan should make clear the implications for the timing and sequencing of future development.*

## **3. Climate Action**

The efforts that the planning authorities have made to include policies and objectives supporting climate change in the Draft Joint LAP is acknowledged and commended.

The manner of addressing climate change in statutory plans is the subject of ongoing policy development. Accordingly, it would be prudent to include an objective in the Draft Joint LAP to the effect that an assessment will be undertaken in relation to the implications of the introduction of such future policy mechanisms, with a view to varying the LAP as made to ensure consistency with future development plan climate change policy formulation and a further context for alignment of plans at national, regional and local level.

### **Observation 3:**

*Given the importance attributed to climate action by Government, as evidenced by, inter alia, the publishing of the Climate Action Plan 2019, the planning authorities are advised to include an objective to consider a variation of the Local Area Plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the local area plan will be consistent with the approach to climate action following the publication of the respective county development plans.*

### **3.1 Flooding**

A Strategic Flood Risk Assessment (SFRA) has been carried out for the Draft Joint LAP which indicates that opportunity sites MPO1 and MPO2 are mainly located in flood zone A. In accordance with the Section 28 Guidelines for Planning Authorities on Flood Risk Management (2009), a justification test should be carried out prior to the adoption of the plan.

#### **Observation 4:**

*The planning authorities are advised, in consultation with the OPW, to revisit the Strategic Flood Risk Assessment for the Draft Joint LAP. This should include the preparation of a justification test for sites MPO1 and MPO2.*

### **4. Environment, Heritage and Amenity**

The Office welcomes the justifiable focus in the Draft Joint LAP on the conservation of the built and natural environment of the town and its setting. This could be further strengthened by the preparation of architectural briefs in respect of the opportunity sites within the town centre (similar to the 2009 LAP). In addition, the 5 priority sites for regeneration that are listed in the draft plan should be shown on a plan map.

### **5. Economy and Employment**

The Draft Joint LAP includes retail objective REO1.1, to promote the town centre for retail development and restrict further significant retail development (convenience and comparison) outside of the lands zoned 'Mixed Use' within the Plan.

#### **Observation 5:**

*The Planning Authorities are requested to define on an LAP map the extent of the retail core of the town centre, as recommended in the Retail Planning Guidelines, and to extend*

*the range of uses that might be allowed on the proposed mixed use zoning in Tinnahinch to include retailing, given the lack of sites for space-extensive retailing elsewhere in the town.*

## **Summary**

The Office requests that your authorities address 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 reports of the chief executives of your authorities 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 authorities are 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 a planning authority decides not to comply with a recommendation of the Office, or otherwise makes the plan in such a manner as to be inconsistent with any recommendation 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 [plans@opr.ie](mailto:plans@opr.ie).

Is mise le meas,

Handwritten signature of Anne Marie O'Connor in black ink on a light gray background.

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations