

12th March 2021

Planning Department,
Kilkenny County Council,
County Hall,
John Street,
Kilkenny,
Co. Kilkenny
R95 A39T

Re: Draft Kilkenny City and County Development Plan 2021 – 2027

A chara,

Thank you for your authority's work in preparing the draft Kilkenny City and County Development Plan, 2021 – 2027 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put in to the preparation of the draft plan against the backdrop of an evolving national and regional planning policy and regulatory context, which included taking account of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly area and the establishment of the Office. Notwithstanding the issues raised below in relation to zoning and settlement maps, the Office commends your authority on the comprehensive nature of the draft plan, which is also well presented and accessible to members of the public.

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 authority will, therefore, be required to review the Draft Plan, and in particular the Core Strategy, in the context of this guidance

which issued subsequent to the Draft Plan. Further advice in relation to this matter is provided below.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft Plan under the provisions of sections 31AM(1) and (2) of the Planning and Development Act 2000, as amended (the Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. The planning authority is required to implement or address recommendation(s) made by the Office.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

Overview

The draft Plan is being prepared at a critical time following the preparation of the National Planning Framework (NPF) and the Southern Regional Assembly Regional Economic and Spatial Strategy (RSES) which seek to promote the rebalancing of regional development in a sustainable manner. In Kilkenny's case, Kilkenny City is the foremost urban centre for both employment and housing in the county. It is a significant employment centre in the State and performs strongly in terms of the ratio of employment to residents, whilst offering strong retail provision, services, and amenities, and is a notable destination for visitors. Through your work on the Abbey Quarter regeneration project in particular, your authority has provided an excellent example of how the objectives in the NPF such as compact growth, sustainable mobility, transition to a low carbon society, and enhanced amenities and heritage can be implemented.

The Office supports the overall intended strategic approach of the draft Plan in terms of the primary focus of population and economic growth directed towards the designated Key Town of Kilkenny,

followed by the Ferrybank / Belview area, part of the Waterford MASP, which will become a principal urban centre for the south-east, and the 4 no. designated key towns. However, the Office considers that the population growth targeted to the top three settlement tiers (55%) where established services are available and support infrastructure investment in place, is too modest compared to the growth targeted to the lower tier settlements (tiers 4 and 5 - 45%).

Given the capacity of larger settlements to drive strategic national and regional policy objectives of compact growth and sustainable travel patterns in the county, the Office considers that the role of the top three settlement tiers within the settlement hierarchy, can be strengthened in your plan. Kilkenny City in particular offers a very high quality of life and the investment in urban regeneration projects and infrastructure to facilitate development in the Loughmacask and Breagagh Valley areas mean that the city is well placed to meet the objectives of the NPF and RSES. In addition, greater focus on growth within Kilkenny City would also strengthen its role as a self-sustaining economic driver within the region consistent with objectives 4G and 4F of the draft plan.

Within the lower tiers (4 and 5), it is further considered that the balance should be significantly more concentrated on tier 4 towns and villages to contribute to their regeneration and renewal consistent with NPO18 and to encourage a more sustainable pattern of development.

The Office also recognises the significance of the Ferrybank/ Belview area for the development of the Waterford MASP vision for a 'Concentric City' consistent with the RSES MASP strategic objectives, and considers that further recognition and policy support for the Waterford Metropolitan Area should be provided within the draft Plan.

It is within the above context the submission sets out 8 recommendations and 8 observations under following seven key themes:

Key theme	Recommendation	Observation
Core strategy and settlement strategy	Recommendation 1	Observation 1
	Recommendation 2	
	Recommendation 3	
	Recommendation 4	
Compact growth, regeneration and tiered approach to land use zoning	Recommendation 5	Observation 2
Rural housing and regeneration	Recommendation 6	

Economic development and employment (including	Recommendation 7	Observation 3
retail)		Observation 4
		Observation 5
Sustainable transport and accessibility	Recommendation 8	
Climate action and renewable energy		Observation 6
		Observation 7
Environment, heritage and amenities		Observation 8
General and procedural matters		

1. Core Strategy and Settlement Strategy

1.1 Core Strategy

Subsequent to the publication of the draft Plan, 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*.

Notwithstanding that the plan review process has commenced for County Kilkenny, the Guidelines specify that it will be necessary to demonstrate the manner in which the Core Strategy and other elements of the plan are consistent with the NPF 50:50 City housing demand projection scenario identified by the ERSI (Appendix 1 Table 20) subject to the methodology set out in Section 4.0 of the Guidelines and adjusted for your plan period. This will require a review of the draft Plan in order to plan to provide housing to the extent identified in the Guidelines and the accompanying Circular in the core strategy, settlement strategy and associated identification of development potential and zoning exercises.

You will also note that the Circular makes specific provision for local authorities, such as County Kilkenny, where recent completed housing levels are significantly lower that the NPF projected annual average targets, to plan to increase housing provision up to 2026 in order to facilitate convergence with the NPF (adjustment 'E'). This adjustment must, however, be justified in terms of the ability of the planning authority to deliver against these increased targets in a manner that is consistent with NPF and RSES in terms of settlement hierarchy, compact growth and sustainable transport, and the physical and social infrastructural capacity to accommodate this level of development.

Recommendation 1 – Review of the proposed Core Strategy

The planning authority is required to review the proposed Core Strategy (including settlement strategy and associated identification of development potential and zoning exercises) and HNDA, and to revise as necessary to comply with the requirements of the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning and Appendix 1 of the accompanying Ministerial Circular.

1.2 Settlement Structure (including the Metropolitan Area)

Overall the settlement hierarchy in the draft Plan is consistent with established patterns of development, and settlement tiers 1, 2 and tiers 3 are considered consistent with the NPF and RSES and as such the Office has no concerns in respect of these settlement tiers within the settlement hierarchy. The Office also acknowledges and welcomes the introduction of tier 5 which is consistent with. NPO 19 and RPO 27.

Tier 2 refers to the Ferrybank/ Belview area with the Waterford Metropolitan Area. The draft Plan clearly acknowledges the strategic importance of this area in terms of its role as an employment centre in the south east region, the significant population growth targeted for the Waterford MASP area, and the vision for the Waterford MASP is to develop a concentric city north and south.

The Office, whilst acknowledging the draft Plan policy objective to review Ferrybank / Belview LAP and to incorporate the LAP into the Kilkenny City and County Development Plan by way of variation, considers that the draft Plan revisits the MASP content and provides a distinct chapter / section within the draft Plan on the Waterford Metropolitan Area to reflect its identification in the NPF and RSES as a priority location for significant housing and employment growth and addresses challenges and opportunities for the MASP area. This issue can be addressed by way of observation.

Observation 1 – Waterford MASP

The planning authority is advised to give further consideration to including, in the Plan, additional content on the Waterford MASP to reflect its identification in National Planning Framework and RSES as a priority location for significant housing and employment growth and develop the Waterford MASP vision for the Metropolitan Area to become a regional economic driver of growth and promoting the rebalancing of regional development in a sustainable manner. It is considered that a joint approach with Waterford City and County Council, co-ordinated by the

Southern Regional Assembly, could include a distinct section / chapter addressing the opportunities and challenges that the Metropolitan Area provides for the region.

1.3 Distribution of Population Growth

From the evaluation undertaken by the Office, it is evident that the distribution of population growth across the settlement hierarchy generally reflects the policies and objectives of the NPF and RSES on compact growth and reversal of rural decline in villages, as set out in National Policy Objectives (NPO) 3, 6, 7, 16, 18a; Regional Policy Objectives (RPO) 3, 34, 35.

The Office also acknowledges that the County does not contain any towns > 5,000 population and this partly distorts the settlement strategy.

However, the scale of the population growth distribution to lower settlement tiers (45%), which includes tier 4 'rural towns and villages', and tier 5 'rural nodes and wider rural areas', has the potential to divert housing from smaller rural settlements and mid-sized settlements and as such undermine national and regional policy objectives to revitalise and regenerate these settlements where services are available (NPO's 6, 18 (a) and RPO 26).

In this context, a greater emphasis on strengthening and encouraging growth, particularly into settlement tiers 1, 2 and tier 3 within the settlement hierarchy, and focusing on settlements with adequate infrastructure capacity would ensure more consistent policy alignment.

In particular, the Office makes the following specific comments that should be considered in the redistribution of growth:

- The overall modest population distribution to the top three settlement tiers (out of a 5-tier settlement hierarchy) including Kilkenny City (Tier 1), Ferrybank / Belview (Tier 2) and district towns (Tier 3) is approximately 55% of the overall county targeted population growth for the plan period.
- Tier 3 settlements (district towns) comprising of Callan, Thomastown, Castlecomer and Graiguenamanagh and the overall modest population growth allocation to these four settlements of approximately 12% from the overall county distribution. Castlecomer and Graiguenamanagh have experienced a lower population growth in the 2011 – 2016 period.
- The relative scale of the population allocation directed to Tier 4 and Tier 5 in the draft Plan is approximately 45% of the total county population growth target during the life of the draft

Plan, consisting of Tier 4 - 'rural towns and villages' (10.8%) and Tier 5 – 'rural nodes and wider rural area' 1 (34%).

- RSES RPO 11 (a) supports local authorities in targeting growth of more than 30% for each
 Key Town and a key objective of the RSES is to strengthen the role of Kilkenny City as a
 self-sustaining regional economic driver. Kilkenny City is a strong employment and service
 centre in a strategic location, and both national and regional policy support a 30% population
 growth target to Kilkenny City, at a minimum, where potential for sustainable growth exists
 (NPO 7, RPO 11 and 12).
- The draft Plan includes objectives (4G and 4F) to strengthen the role of Kilkenny City as a self-sustaining regional economic driver and to ensure that investment and delivery of comprehensive infrastructure packages to meet growth targets that prioritise compact growth and sustainable mobility as per the NPF.
- NPO 8 sets out an ambitious population target for the Waterford MASP of 81,000 for Waterford and suburbs by 2040, and policy objective 3(b) of the Waterford MASP is to develop a 'Concentric City' for the Waterford MASP. The future growth of Ferrybank / Belview (Tier 2), is crucial to achieving the critical mass to realise the 'Concentric City objective.

Having regard to the function and strategic importance of Kilkenny in the region, and its capacity to provide a sustainable settlement pattern of development, the Office considers there is greater scope to direct a greater proportion of the county population growth and housing to Kilkenny City.

The Office also considers that there is greater scope to direct population growth to Tier 2 and Tier 3 settlements (Callan and Thomastown) within the settlement hierarchy and distribute growth more proportionately across the county settlement hierarchy.

The outcome of these changes would be to give greater effect to the Plan's stated core strategy guiding principles for compact growth and rejuvenation of towns and villages. This would also further improve alignment and consistency with the national and regional policy context.

Recommendation 2 – Distribution of Population Growth

Having regard to NPOs 6, 7, 9, 15, 16 and RPOs 3, 26 (a) & (d), 27 and the draft Plan's stated core strategy objectives, the planning authority is required to revisit, in an evidence-based approach, the distribution of new population growth and housing targets (having regard to

¹ Including rural housing

Recommendation 1) across the five tiers of the county settlement hierarchy to ensure greater national and regional policy alignment:

- a. Increase the proportion of growth to Kilkenny City to facilitate a higher rate of population growth in line with its designation as a Key Town and the strategic policy objective 4G of the draft Plan and Regional Policy Objective 11 and 12 of the Regional Spatial and Economic Strategy;
- b. Consider a modest increase in the growth allocation to Ferrybank / Belview area on the basis of Regional Policy Objective MASP Objective 3 (b) to develop a 'concentric city' which will become the principle urban centre in the South-East with the objective of the city to become an important driver of national growth.
- c. Increase the proportion of growth rate to the 4 no. tier 3 settlements (District towns), in particular Callan and Thomastown, over the plan period to a level proportionate with the town's position in the settlement hierarchy, and to ensure consistency with NPO 7 and RPO 26.
- d. Reduce the population growth rate of 34% provided to Tier 5 over the plan period to ensure more consistency with principle objectives of the NPF NPO's 6, 18(a) and RSES RPO 26 to achieve a greater proportion of compact growth that would avail of existing infrastructure investment in services.

1.4 Development Approach for Settlements

The Office acknowledges the work by your authority in preparing the draft Graiguenamanagh / Tinnahinch Joint Local Area Plan 2020, and welcomes the objectives in the draft county development plan to prepare Local Area Plans for Ferrybank / Belview (Tier 2), for the remaining Tier 3 settlements, i.e. Callan, Thomastown, Castlecomer in keeping with the requirements of the Planning Act.

Notwithstanding the aforementioned Local Area Plan objectives there are no settlement maps, land-use zoning objectives or even development boundaries for the Ferrybank / Belview (Tier 2) nor is there any for the 4 no. district town settlements (Tier 3) within the draft Plan. Furthermore some of the Tier 4 settlements are sizable in the county context and the draft Plan provides no land-use maps for these settlements.

The omission of settlement boundaries and land use zoning maps for Tier 2 and Tier 3 settlements has the potential to lead to public confusion and provides a weak framework for the implementation of the plan's policy framework or monitoring the success of same. This is particularly important in the context of compact growth and regeneration (NPOs 3, 6, 7; RPOs 3, 34, 35) and demonstrating

that sustainable settlement and transportation strategies for urban and rural areas are being promoted under the development plan, as required under section 10(2)(n).

While the consolidated zoning approach in smaller Tier 4 settlements is acceptable in principle, it would benefit from further clarification to enable delivery of compact growth and appropriate regeneration. Clarification is also required on the zoning objectives within these settlement boundaries with particular reference to deliver obligations under Part V social & affordable housing in accordance with section 94(4)(c) of the Planning & Development Act 2000 (as amended).

Recommendation 3 – Development Approach to Tier 2 and Tier 3 towns

In advance of the preparation of Local Area Plans, the planning authority is required to review its approach and provide greater clarity and transparency in the delivery of the Core Strategy objectives for the Tier 2 and 3 towns of Ferrybank / Belview metropolitan area, Callan, Thomastown, Castlecomer, and to clearly set out how the objectives in Section 10(2) of the Planning & Development Act 2000 as amended, are to be achieved in the interim and pending the adoption of Local Area Plans for these settlements.

At a minimum the planning authority is required to prepare maps and stronger policy objectives, identifying strategic objectives for each town consistent with sections 3.4, 3.8 and 3.9 of the Regional Spatial and Economic Strategy, including settlement boundary, compact growth area (CSO boundary if relevant), key sustainable mobility priorities, core retail area, key regeneration sites, strategic employment sites, constraints such as flooding and any further relevant key future priorities.

Recommendation 4 – Development approach to Tier 4 settlements

The planning authority is required to revisit the development approach for Tier 4 settlements and provide a strategic and structured approach to the implementation of the plan's policy framework, thereby ensuring consistency with National Planning Objectives 3c, 6 and 7 and Regional Policy Objectives 3, 34, 35. In this regard the planning authority is required to:

 a. Provide land use zoning maps for the larger settlements in Tier 4, including; Ballyragget, Bennettsbridge, Freshford, Gowran, Kilmacow, Moneenroe, Mooncoin, Paulstown, Piltown and Urlingford.

- b. Refine the consolidated approach to zoning within these smaller Tier 4 settlement boundaries to include specific local objectives such as the village core area, focal spaces, amenities and opportunity sites.
- c. Identify land with development constraints such as flooding on the settlement maps. Where land subject to flood risk is sequentially preferable and could contribute to compact growth, it will be necessary to undertake a Justification Test within the context of the Strategic Flood Risk Assessment.

1.5 Residential Land Supply and Zoning

The RSES requires a robust evidence based analysis of demand, past delivery and potential with respect to the development of core strategies. An analysis of land supply in the draft Plan has identified an over-zoning provision in Kilkenny City.

Quantity of land Zoned

The evaluation undertaken by the Office would indicate that the quantity of land zoned in Kilkenny City for residential use, or a mixture of residential and other uses, is in excess of the population and housing growth targets set out in the Core Strategy. In particular, there appears to be headroom of approximately 34% outside of the CSO boundary in the City.

Section 2.2.5 of draft Plan sets out a justification for being able to deliver housing on the zoned land in Breagagh Valley and Loughmacask with reference to extant planning permissions, likelihood of lands being serviced within the life of the plan and significant enabling infrastructure investment and proximity to the built up area of the City. The justification is reasonable given the level of investment infrastructure to the western environs of the City and therefore there is capacity within the draft plan to accommodate the re-distribution to Kilkenny City from Tier 5 as per Recommendation 2, and any revision to the Core Strategy arising from Recommendation 1.

Tiered Approach to Zoning

The Office welcomes and commends the innovative, evidenced-based, approach which allows for systematic appraisal of the suitability of lands for development, reflective of the Tiered Approach to Zoning (TAZ) required to be applied under NPOs 72a-c.

NPO 72b requires the planning authority, when considering zoning land, to make a reasonable estimate of the full cost of delivery of the specified services required and prepare a report detailing the cost at draft and final plan stages. The inclusion of estimates would be desirable in terms of consistency with NPO 72b and in terms of clarity regarding sequential development.

2. Compact Growth and Regeneration and Tiered Approach to Zoning

2.1 Compact Growth

Compact growth and urban regeneration are fundamental NPF policy objectives which highlight the need to identify infill and brownfield opportunities to intensify housing and employment development throughout existing built-up footprints. The benefits of such an approach for Kilkenny include the potential to achieve more homes and jobs in the city, the Waterford MASP area, and its district towns (settlement Tier 3), through high quality and high density mixed use development, continued support of existing services and infrastructure, thus facilitating people to live and work within reasonable distances. Kilkenny City has an exemplar track record in promoting and activating compact growth and sequential form of developments, including many individual projects, such as the Abbey Quarter, offering both employment and residential uses.

The draft Plan does not define those lands that will contribute to achieving of the 30% target within the district town settlements (Tier 3) and Tier 4 settlements and the Office considers that further clarity would assist in terms of monitoring whether it has met the target at the end of the plan period. The Office considers greater clarity and direction as to how these objectives will be achieved is required in order to ensure the Plan is consistent with both the NPF (NPO 3) and RSES (RPOs 34 & 35).

Recommendation 5 – Compact Growth

Having regard to NPO 3(c) and RPOs 34 and 35 on the delivery of at least 30% of all new homes within the existing built-up footprints of settlements, the planning authority is required to quantify and clarify those areas of Tier 2, 3 and larger Tier 4 settlements (referenced in Recommendation 3 & 4) which will contribute to the cumulative delivery of 30% of all new homes within the built-up footprint of existing settlements and demonstrate consistency with the housing and population requirements set out in the Core Strategy and policy promoting compact growth through application of the brownfield definition as set out in the Section 28 Guidelines - Sustainable Residential Development in Urban Areas (2009).

2.2 Regeneration Delivery

The Office welcomes the relevant policy provisions in the draft Plan in respect of compact growth that include reference to the need for Active Land Management to meet that objective. The Office

also notes the provisions of RPO 34 which includes recommendations for planning authorities to consider in order to encourage and facilitate urban infill/brownfield development.

The Office suggests that it would be appropriate for the planning authority to include a clear objective in the Plan to implement this active land management action. It would also be appropriate, in order to ensure effective implementation, to set out a clear timeline and strategic approach in carrying out the active land management approach. Including setting measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured.

Urban regeneration and brownfield development will likely require a more proactive approach on behalf of the planning authority, through uses of compulsory purchase orders, derelict site register, vacant site register, development contribution scheme and application of development management standards.

Observation 2 – Active Land Management

Having regard to RPO 34 on Regeneration, Brownfield and Infill Development within the RSES, the planning authority is advised to:

- a. include a clear objective to implement the Active Land Management Strategy approach identified in RPO 34 within the development plan;
- set out a clear timeline and strategic approach to carrying out the Active Land
 Management approach and to set measurable targets (perhaps by settlement at the
 upper levels) and timelines against which the implementation can be monitored and
 measured, and
- establish a database with site briefs specifically for brownfield sites zoned for development which will be continually renewed and updated as opportunities arise through active land management process.

3. Rural Housing and Rural Regeneration

Kilkenny has a strong rural-based population and it is important that the countryside continues to be a living and lived-in landscape, focusing on the requirements of rural economies and rural communities as recognised by the NPF.

At the same time, it is imperative that development plan policy protects against ribbon and over-spill development from urban areas, and supports the National Strategic Outcomes of compact growth, sustainable mobility, transition to a low carbon and climate resilient society and sustainable management of environmental resources.

The NPF recognises the continued need for housing provision for people to live and work in the countryside. The overriding settlement strategy for the county, in the draft Plan, directs population growth into the settlements as defined in the settlement hierarchy. This approach is key to maintaining and supporting the vitality and renewal of smaller rural settlements.

As referenced above, the Office welcomes the introduction of Tier 5 'Rural Nodes and the wider rural area' in the draft Plan but considers that the proportion of growth allocated to this tier is not consistent with NPO's 6, 7 and 18(a) and RPO 26 (a) and has the potential to undermine the realisation of NPF NPO 15 & 16 for town and village regeneration and renewal.

NPO 19 distinguishes between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere. The draft Plan has selected two categories of rural areas, for the purpose of rural housing policy. These areas are defined as;

- 1. 'Areas under urban influence',
- 2. 'Other rural areas'.

The draft Plan includes a designated 'other rural area' situated to the south-west of the county, immediately west of the settlements Fiddown and Piltown. This rural area, designated 'other rural areas', in particular the southernmost part, has good strategic road links to the Waterford MASP, along the N24, with approximate drive times of 30 – 35 minutes to Waterford City.

Fiddown and Piltown are both designated within the Tier 4 settlements 'smaller towns and village settlement tier' of the county settlement hierarchy. Piltown is sizable in scale, with a population of 1,220 in 2016, and as such is comparable to a district town (Tier 3) in terms of scale. Both Fiddown and Piltown have development potential within their settlement boundaries, and offer an alternative to urban generated housing in countryside.

Whilst commuting is not the only criteria consideration of relevance, it is considered relevant in the context of a rural county which displays high levels of rural housing and associated car-dependency and has good accessibility to the Waterford MASP. In particular it is considered that the area to the west of the settlements Fiddown and Piltown may need to be revisited within the context of its rural area classification.

NPF NPO 18(b) promotes a programme of new homes in small towns and villages, which will attract people to build their own homes and live in small towns and villages which is consistent with RPO

26 (g). The draft Plan in Section 4.6.11 aligns with this regional and national policy objective however the location and scale of the designated 'other rural area' in the south-west of the county to the immediate west of Fiddown and Piltown, has the potential to undermine this policy objective.

It is considered appropriate that the scale of this rural area is revisited in the context of promoting regeneration and renewal of settlements that provide a viable alternative to urban generated rural housing.

Recommendation 6 – Rural Housing Strategy

The planning authority is required to revisit, in an evidence-based approach, the inclusion of the area to the north west of Piltown and Fiddown within the designated 'other rural areas' as defined in Figure 7.1, 'Rural Housing Strategy' in the draft Plan to ensure consistency with national and regional objectives to regenerate and reverse the decline of small towns and villages (NPOs 6, 16, 18a and 18b).

4. Economic Development and Employment

The Office welcomes the approach to economy and employment under the draft Plan, which aims to encourage employment growth and economic activity in the county, and promote Kilkenny and Belview / Ferrybank as the centres of economic development consistent with the provisions of the RPO 11, 12 and Waterford MASP Policy Objective 12. The proposed alignment of employment expansion with projected population growth areas will also promote sustainable settlement patterns and transportation strategies, thus reducing the demand for travel by private car, and effectively reducing energy demand and greenhouse gas emissions.

4.1 Employment Zoned Land

The district towns, and notably Thomastown, have strong levels of employment relative to residents, and the draft Plan appropriately addresses potential economic development in lower tier settlements and the rural economy, encouraging niche economic opportunities. The lack of zoning objectives for these settlements mean, however, that compliance with the NPF and RSES objectives for compact and sequential development and sustainable transport cannot be demonstrated. However this issue is addressed in Recommendation 3 above.

4.2 Rural Economy

The rural economy supports job creation in rural areas which is imperative for the rejuvenation of rural towns and villages, and in turn sustaining vibrant rural communities and reversing rural decline.

Kilkenny has a strong agricultural base and agri-food sector. The draft plan includes a broad suite of rural policy objectives which, in general, are consistent with the strategic rural economy objectives of the NPF (NPO 21) and RSES (RPO 50). However the Office considers it advisable that consideration is given to formulating these objectives into a policy objective to support the economic development of rural areas, including smaller rural towns and villages, and as such contributing to their rejuvenation consistent with national and regional policy (NPO's 15, 16 and RPO 27).

Observation 3 – Rural objectives

The planning authority is advised to review the 'broad rural objectives' and the objectives 'to guide rural development' included in section 7.1, vol. 1 of the draft Plan, and give consideration to formulating a policy objective that supports sustainable development and settlement patterns in rural areas while enhancing connectivity, and attractiveness of the built environment consistent with policy objectives in the National Planning Framework, 2018, NPO's, 15, 16, 21, and the Southern Regional Assembly Regional Spatial Economic Strategy RPO's 27 & 50.

Forestry offers potential for rural diversification opportunities, whilst also contributing to the reduction of greenhouse gases by absorbing carbon dioxide from the atmosphere. Section 7.4, vol. 1, of the plan refers to a forestry policy provision as follows;

"It is the policy of the Council to facilitate the sustainable development of forestry in appropriate areas of the county, where it will not significantly impact upon designated habitats and biodiversity, archaeology, and that it does not have significant adverse visual impact on the local landscape"

However, the policy is not a referenced policy objective similar to all policy objectives throughout the draft Plan. It is advisable that this policy provision is included as a referenced policy objective.

Observation 4 – Forestry policy objective

The planning authority is advised to review the policy objective in relation to forestry in Section 7.4. Vol. 1, of the draft Plan to ensure that this objective is a referenced policy objective consistent with provision of policy objectives throughout **the draft Plan**.

4.3 Tourism

Initiatives such as public realm and the Kilkenny Greenway will support rural tourism, economic opportunities, renewal and regeneration of smaller rural towns and villages and are consistent with national policy (NPO 22 & RPO 31) and regional policy (RPO 53). The Office acknowledges and welcomes that the draft Plan identifies and encourages opportunities to improve tourism output for the four district towns, including Mount Juliet at Thomastown and a plan for Woodstock as a key visitor attraction in the county.

4.4 Retail

The Office welcomes the alignment of the core settlement hierarchy and the 'Retail Hierarchy' for the county, and as with the core strategy Kilkenny City is the Level 1 retail centre in the hierarchy, and overall it is considered that the retail hierarchy as contained in the Draft Plan is appropriate.

The inclusion in the Draft Plan of retail core area for Kilkenny city, and for the four district towns will ensure that sequential development is prioritised, and the Office welcomes policy objective 4 of the Draft Plan which promotes town centre first in the urban settlements, and place making and creating attractive liveable environments, enabling strong mixed-use urban cores and facilitating regeneration in accordance with NPO 6, 11 and 16.

The Office considers that the Draft Retail Strategy fulfils the requirements of the Section 28 Retail Planning Guidelines (2012), in terms of identifying core retail areas for the City, and the four main towns and policies that are town centre focused. This in turn will positively contribute to compact growth and assist in the delivery of RPO 55.

The Office acknowledges the quantitative aspect of the county retail strategy and the projected retail floor space requirements, including the provision of policy objective 13, in the Draft Plan, in relation to retail parks. The policy objective precludes the granting of planning permission for any further retail parks in and around Kilkenny City and Environs over the period of this City and County Development Plan, 2021 – 2027 and is considered to be appropriate and consistent with the Section 28 Guidelines.

In this regard the Office notes under Section 2.9 'Zoning Objectives for Kilkenny City' which includes the larger employment land-uses located on the environs on the City. Specifically 'Business Park' provides for 'retail warehousing' as a permitted use. The planning authority may wish to include an explicit statement to ensure that there is no conflict between policy objective no. 13 and permitted uses under the land-use zoning matrix for 'Business Park'.

Observation 5 – Retail

The planning authority is advised to review paragraph 2.9.11 of volume 2 of the draft Plan, which contains the zoning matrix of permitted uses for the land use zoning objective 'Business Park', including retail warehousing as a permitted use, to ensure that there is no conflict with Policy Objective 13 under the paragraph 3.4.5 of 'Retail Policies' of volume 2 in the draft Plan.

The retail catchment for Ferrybank /Belview (Level 2) transcends the planning authority boundaries with Waterford City and County Council. Section 28 Retail Planning Guidelines, and in particular paragraph 3.5 'Joint or Multi-Authority Retail Strategies', includes a specific requirement that development plans and local areas plans must be informed by a joint retail strategy. The Waterford urban area is specified as one such area for which a joint or multi-agency retail strategy must be prepared. The RSES, Waterford MASP Policy Objective 19 (a) requires that the Joint Retail Strategy for the Waterford Metropolitan Area be completed within one-year of adoption of RSES/MASP.

Although Policy objective 15 of the draft Plan includes an objective to carry out a joint retail strategy with Waterford City and County for the area covered by Waterford MASP, no timeframe is specified and no policy framework is provided to ensure that a plan-led approach is maintained in respect of development that should be considered in the context of the Joint Strategy. The Office considers, having regard to the Section 28 guidelines and the MASP Policy Objective 19 (a) that it is appropriate to address this issue by way of recommendation.

Recommendation 7- Joint Retail Strategy

Having regard to the provisions of the Section 28 Ministerial Guidelines for Planning Authorities Retail Planning, 2012, and in particular paragraph 3.5 'Joint or Multi-Authority Retail Strategies', and the Southern Regional Assembly 'Regional Spatial Economic Strategy', 2040, Waterford MASP Policy Objective 19 (a), the planning authority is required to review the policy objective 15 of the retail policies under section 5.4.7 of the draft Plan to include additional policy objectives in the draft Plan to:

 a. address mechanisms and deliverable timelines to ensure that the Joint or Multi-Authority Retail Strategy for the Waterford Metropolitan Area will be undertaken with adjoining relevant authorities, and

- b. appropriately restrict further retail provision in the Ferrybank / Belview Local Area Plan area until such time that a Joint or Multi-Authority Retail Strategy is prepared for the Waterford Metropolitan Area, and
- c. ensure that the Joint or Multi-Authority Retail Strategy for the Waterford Metropolitan Area is completed prior to the review of the Ferrybank / Belview LAP, 2017.

5. Sustainable transport and accessibility

The Office welcomes the inclusion of key transport policy objectives in accordance with RPO 151 to coordinate transport and land use planning, and which strategically aim to reduce the demand for travel, in particular private car usage, in favour of public transport, cycling and walking. It is also evident that your authority is actively implementing RPO 12 (f) which includes the development of a Town Bus Service in support of the Compact '10-minute city' concept' through the introduction of the two bus services in December 2019 for Kilkenny City.

The draft Plan includes policy provision for the improvement of pedestrian and cycle mobility to schools, a series of cycling objectives and development management requirements in relation to bicycle parking and workplace travel plans, and appropriate references to the *Design Manual for Urban Roads and Streets (DMURS)*.

The Office also welcomes the Council's commissioning of the preparation of a LTP, for Kilkenny City, which is supported by policy objectives C5A and C5B in the draft Plan, and is consistent with RPO 11 (c) and RPO 157, and in the draft Plan.

The Office acknowledges that the 'concentric city' for Waterford MASP, both north and south of the River Suir and the North Quays and other key locations will be supported by integrated transport investment that will create linkages north and south. The integration of land use and transportation in the Waterford MASP is pivotal to the sustainable transport strategy and the transition to a low carbon environment and a reduction in greenhouse gas emissions. It is a strategic objective of RSES (RPO 164 and Waterford MASP Policy Objective 6 (a)) to prepare a 'Waterford Metropolitan Area Transport Strategy' during the life of the MASP (RPO 164 & MASP objective 6 (a)). The Office welcomes the MASP objectives in the draft Plan (policy objectives 12Q – 12T) are consistent with the RSES MASP.

Outside of the larger settlements, the Office recognises that sustainable mobility is a challenge for rural areas of County Kilkenny. The Office acknowledges and welcomes the policy support for the Waterford to New Ross Greenway and the Rosslare to Waterford Greenway which will enhance mobility across the south-east of the county, improving accessibility for rural communities and

opportunities for modal shift consistent with the NPF (NPO 22) and RSES (RPO 174). However, the proportion of growth currently allocated to Tier 5 will only exacerbate the difficulties that the existing settlement pattern presents in terms of reducing GHG emissions from the transport sector, and will militate against the sustainable travel policies in chapter 12 of the draft Plan.

The draft Plan has identified targets for modal shift and these targets will be further reviewed through the preparation of LAPs and LTPs. Overall the strategic transport objectives are comprehensive policy responses, however, it is considered that it is relevant and appropriate for the plan to also establish specific targets for the four main district town settlements and an aggregate level for rural towns and villages. This matter should be addressed by way of a recommendation.

Subject to the changes required by Recommendations 3, 4 and 8 the Office is satisfied that the draft Plan can provide a sustainable transport strategy in line with section 10(2)(n) of the Act.

Recommendation 8 – Sustainable transport and accessibility

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n) of the Act, the planning authority is required, in consultation with the NTA (and TII), as appropriate, to:

- a. Supplement table 12.1, vo.1, existing baseline figures for modal share for the overall county to include baseline details and 2040 modal share targets for settlements. It is recommended that this could best be provided at individual settlement level for the 4 no. district towns, and at aggregate level for rural towns and villages and the open countryside, as identified in the Core Strategy.
- b. Provide an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and the modal share targets in particular.

6. Climate Action and Renewable Energy

6.1 Climate Action

Having regard to the Climate Action Plan, 2019, and the objectives in the NPF (NPO 54) and RSES (RPO 87), the transition to a low carbon economy and the overall reduction in carbon emissions is core planning policy objective and is a mandatory objective having regard to Section 10(2)(n) of the Act.

Section 10(2)(n) of the Act requires policy objectives for the promotion of sustainable settlements and transport strategies for both urban and rural areas to include measures to reduce energy

demand, greenhouse gas emissions, and to adapt to climate change, having regard to location, layout and design of new development. Therefore, the definition of settlement boundaries, the zoning of lands for specific uses (section 10(2)(a) of the Act), the provision of land use zoning (or guiding principles where appropriate) are key tools available to the planning authority in promoting effective integration of land use and transportation policies and in securing the Plan's stated strategic objectives. In this respect, responding to Recommendations 3, 4, 5 and 8 will also contribute to the achievement of requirements set out under Section 10(2)(n) of the Act.

The Office otherwise commends the Council in their approach in addressing climate change in the draft Plan. The draft Plan includes cross-cutting climate change policy objectives throughout the plan, including chapters and sections, within chapters, on core strategy, compact growth, and open space strategy including protecting landscape and habitats, and a sustainable transport strategy.

The Office understands that forthcoming updates to the Section 28 Development Plan Guidelines will initiate a process of enhanced guidance in relation to preparing development plans whilst having regard to the need to ensure policy measures, which reduce energy demand and greenhouse gas emissions, and address adaptation requirements in relation to climate change. The Office considers it appropriate that the plan includes an objective to the effect that consideration is given to a variation to the plan within a reasonable period of time following the publication of the development plan guidelines.

Observation 6 – Climate Action

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the recent *Climate Action and Low Carbon Development Bill* (October, 2020) and the *Climate Action Plan 2019*, the planning authority is advised that section 2.5, vol. 1 'Strategic Objectives' of the draft Plan should also include an objective to consider a variation of the development plan within a reasonable period of time, or to include such other mechanisms, as may be appropriate, to ensure the development plan will be consistent with the approach to climate action recommended in the revised Development Plan Guidelines as adopted or any other relevant guidelines.

6.2 Renewable Energy

The promotion of renewable energy within the county in accordance with the Section 28 *Wind Energy Development Guidelines* is essential to ensure Ireland meets its national reductions in energy and greenhouse gas emissions targets.

The Office welcomes policy objective 11C in the draft Plan which aims to meet 100% of electricity needs for County Kilkenny from renewable sources by 2030. The Office commends the draft Plan's helpful data contained in Table 11.2 in terms of the number of wind farm turbines and MW output approved relative to the required number of wind farm turbines and MW output to achieve the objective to generate 100% of its electricity needs from renewable sources by 2030.

The Wind Energy Development Strategy includes the Council's objectives in relation to wind energy development, and a methodology is used to identify suitable locations for wind energy development in the county. The strategy identified a total land area of over 500,000 hectares as 'acceptable in principle' for wind energy development. The strategy is consistent with national and regional policy context, including NPO 54, NPO 55 and RPO 56 (low carbon economy) and RPO 87 (Low carbon energy future).

Section 9(4) of the Act requires that a planning authority shall, in making a development plan, have regard to the development plans of adjoining authorities and shall co-ordinate the objectives in the development plan with those of neighbouring authorities except where the planning authorities considers it inappropriate or not feasible to do so.

It would appear that the there are some conflicts between the Laois draft Plan (2021 – 2027), and Kilkenny draft Plan, whereby lands identified in the Kilkenny draft Plan identified as 'acceptable in principle' for wind farm potential to the north of the county and adjoining lands in the draft Laois County Development Plan, 2021 – 2027 are identified as 'areas not open for consideration' for wind energy development potential. The adjoining lands in County Laois includes three distinct areas, including an area south of Cullahill, an area to the east of Ballinakill and an area to the west of Killashin. All three areas are categorised as having a medium to high landscape sensitivity in the draft Laois County Development Plan, and the area south of Cullahill has designated scenic views along the county boundary with Kilkenny.

In this regard, the Office would highlight the regional policy objective in RSES RPO 98 to support the development of a Regional Renewable Energy Strategy with relevant stakeholders.

Observation 7 – Wind energy development

Having regard to the requirements of section 9(4) of the Act, the Planning Authority is requested to coordinate the objectives for wind energy development in the development plan, with those of the neighbouring counties, to ensure a coordinated Wind Energy Strategy across the region. Particular coordination shall be required with Laois County Council where current conflicts arise in the identification of preferable locations in the consideration of their Draft Development Plan.

7. Environment, Heritage & Amenities

Chapter 9 of the draft Plan addresses mandatory objectives in relation to protected structures and architectural conservation areas (ACA's) for the county, and. Chapter 9 (vol. 1) and Chapter 4 (vol. 2) includes objectives for natural heritage, including protected habitats and species designated for nature conservation, and green infrastructure.

The Office acknowledges that Chapter 8, vol. 1 includes objectives for public rights of way. Two public rights of way are indicated on map (Figure 8.1) and listed in Appendix C. Chapter 4, vol. 2 of the draft Plan includes a public right of way for the City, which again is mapped and listed in Appendix C. The draft Plan includes an objective, objective 8M, to undertake a survey to establish any further existing public rights of way within the life of the plan.

The Office would conclude that the draft Plan addresses the mandatory objectives in relation to environment, heritage and amenities.

7.1 Environmental Reports

The Office notes that the environmental report (SEA) concludes that no significant adverse impacts are identified in the SEA. However a number of development objectives have been identified as having uncertain impacts on SEA objectives. Mitigation measures have been integrated into the plan in relation to these specific development objectives.

The Natura Impact Report concludes that, having incorporated mitigation measures, the draft Plan is not foreseen to give rise to any significant effects on designated European sites, along or in combination with other plans or projects, and that the AA process is ongoing and will inform and be concluded with the adoption of the plan. In relation to this conclusion, the planning authority is advised that the test for appropriate assessment is that the plan would not adversely affect the integrity of any European site rather than give rise to any significant effects.

The role of this Office is not as an environmental authority under article 6(4) of the SEA directive, however within the context of the section 28 guidelines it is appropriate and relevant to comment upon the environmental reporting. In this respect, the Office considers that there is scope to enhance the integration between environmental reporting and the draft Plan preparation process. For instance, the environmental report does not include any analysis or discussion of the council's deliberations of the draft Plan prepared by the executive or any analysis of the directions or motions of the elected members in the process of the draft Plan for public display.

Observation 8 – Environmental reporting

The planning authority is advised that in order to give full meaning to the strategic environmental assessment process as set out in the directive, it should ensure that as/when material amendments stage arise, the environmental reporting is iterative and transparent with the decision-making process at that stage.

8. General and Procedural Matters

The Written Statement of the draft Plan is well structured, and of an appropriate length, with the chapters presented in a standardised format that is easily followed and understood. The accessibility of the individual chapters in the online version also make it easier for the public to access the relevant information.

The Office would also like to take this opportunity to commend your authority's public engagement activities, particularly regarding the constraints posed by Covid-19. The use of webinars and the virtual consultation room are inventive and effective ways to engage with the public, particularly during times when public meetings are prohibited, and your virtual consultation room in particular is probably the best example we have seen of this form of consultation.

In summary

The Office requests that your authority addresses the recommendations outlined above. The report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

Your authority is required to notify this Office within five working days of the decision in relation to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the chief executive shall inform the Office and give reasons for this decision.

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.

Yours sincerely,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations