

6<sup>th</sup> August 2021

Planning Section,  
Planning Department,  
Johnston Centre,  
Farnham Street,  
Cavan Town,  
H12 C9K1.

**Re: Draft Cavan County Development Plan, incorporating a Local Area Plan for  
Cavan Town, 2022-2028**

A chara,

Thank you for your authority's work in preparing the Draft Cavan County Development Plan, incorporating a Local Area Plan for Cavan Town, 2022-2028 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context. In particular, the Office commends the preparation of a Housing Need Demand Assessment (HNDA) incorporating the Structural Housing Demand in Ireland and Housing Supply Targets, in accordance with the *Section 28 Guidelines: Housing Supply Target Methodology for Development Planning*, in Appendix 1 Volume 1.

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. As such, the



planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

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 crucial time following the preparation of the *National Planning Framework (NPF)* and the *Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES)* which seek to promote the rebalancing of regional development in a sustainable manner. The Office commends the planning authority for proactively embracing many of the challenges and opportunities identified in the NPF and the RSES, promoting regeneration and renewal of towns and villages in the County, supported by Town Revitalisation Plans and Masterplans. Other measures including those addressing climate change, which are promoted as an overarching theme throughout the draft Plan, are also welcomed. The Office also commends the implementation of the recently published *Housing Supply Target Methodology for Development Planning' DHLGH Guidelines* (December 2020). In particular, the housing targets are well integrated with the Core Strategy. This approach will provide a sound basis for the implementation of the plan, and monitoring against CSO housing completion data in the context of the government target for 33,000 new households nationally.

The Office supports the overall approach in the draft Plan to support and develop the regional function that Cavan Town performs. Cavan provides a wide range of social

and physical infrastructure and is well placed to provide a high quality of life for future residents and a more sustainable pattern of development.

In this context, the Office considers that the growth target for Cavan town (17% of housing growth over the plan period) is too modest, particularly compared to the growth targets for the lower tiers including the rural remainder. Notwithstanding the topographical constraints, there is also an opportunity to consolidate development within the town, which is currently very spread-out with long walk times, through the rationalisation of zoning and use of more appropriate residential densities. The preparation of a Local Transport Plan for the town will also be key to achieving more sustainable transport patterns and this should be prepared in tandem with the Local Area Plan in order to achieve a sustainable settlement and transport strategy for the town.

The recognition of Virginia as a self-sustaining growth town is also to be welcomed. The ambition for growth for both Virginia and Cootehill over this plan period should, however, be reviewed to ensure that the rate and pace of development is in line with the employment, infrastructure and supporting facilities in those towns as required by the NPF and RSES.

As acknowledged in the draft Plan, the key challenge for the planning authority will be to deliver and implement a plan that ensures growth takes place in a compact and sequential manner in towns and villages, facilitating active and sustainable transport modes. Cavan already has a high level of housing in the open countryside compared to its towns and villages<sup>1</sup> and in contrast to the current Cavan County Development Plan 2014-2020, appears to be promoting a planning framework which disproportionately facilitates greater growth in the open countryside at the expense of serviced settlements in tiers, and Cavan Town in particular. This approach would undermine the regional function of Cavan Town which the plan elsewhere supports, and would result in a pattern of development that is particularly car-dependent,

---

<sup>1</sup> Between 2006 – 2019 an average of 58.3% of all permitted housing granted each year comprised rural housing. Source Housing Strategy



energy intensive and extremely difficult to service with public transport in any coherent and economically viable manner.

It is within this context the submission below sets out 13 recommendations and 9 observations under following ten themes:

Key Theme	Recommendation	Observation
<a href="#">Core strategy and settlement hierarchy</a>	1, 2 and 3	1, 2 and 3
<a href="#">Compact growth and regeneration</a>	4	4
<a href="#">Development Management Standards</a>	5	5
<a href="#">Rural housing and rural regeneration</a>	6 and 7	
<a href="#">Economic development and employment (including retail)</a>	8 and 9	6 and 7
<a href="#">Sustainable transport and accessibility</a>	10	
<a href="#">Climate action and renewable energy</a>	11	
<a href="#">Flooding</a>	12	
<a href="#">Environment, heritage and amenities</a>	13	8 and 9
<a href="#">General and procedural matters.</a>		

## 1. Core Strategy and Settlement Hierarchy

### 1.1 Core Strategy

The Office notes that that the Housing Supply Target for the plan period for County Cavan has been calculated in accordance with the *Housing Supply Target Methodology for Development Planning DHLGH Guidelines* (December 2020). In addition, the Core Strategy is for the most part clearly set out in a transparent and comprehensive manner at Table 11.



The core strategy<sup>2</sup> and other elements of the plan are generally consistent with the established NPF Roadmap population projections for Cavan and accordingly, with the related NPF 50:50 City housing demand projection scenario identified by the ESRI. However, clarification is required in relation to the following in order to provide greater clarity and transparency and to demonstrate compliance with the NPF/ RSES population targets:

#### Observation 1 – Core Strategy

The Planning Authority is requested to:

- (i) clarify the method used to interpolate 2022 population figures for all settlements as detailed in Table 8 NPF High Scenario;
- (ii) in order to demonstrate consistency with the longer term population targets set out for the county in the National Planning Framework and the Key Town in the Regional Spatial and Economic Strategy, the planning authority is requested to amend and supplement the information in the core strategy table (Table 11) to include forecast of population figures for the years 2022 and 2031, with specific reference to the Tier I – IV settlements; and
- (iii) clarify the 2040 growth figure for Cavan Town detailed in Table 6 NPF / RSES Population Targets.

## 1.2 Settlement Hierarchy, Housing and Population Distribution

Overall the settlement hierarchy in the draft Plan is consistent with established patterns of development, and the upper settlement tiers 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 settlement hierarchy may,

---

<sup>2</sup> The population of County Cavan is projected to increase by 4,730 people during the plan period to a total of 85,900 by 2028 which is particularly close to the 2031 NPF lower target of 86,000.



however, benefit from greater distinction between serviced and unserved villages in that tier.

### Observation 2 – Settlement Hierarchy

The Planning Authority is requested to clarify and where necessary amend, the settlement hierarchy in respect of the 12 no. Category 1 & Category 2 villages, given that all 12 no. villages benefit from similar settlement objectives and policies. Consideration should be given to placing all serviced villages in a single category under Tier VI, thereby promoting future rural population growth within these settlements in accordance with Recommendation 2(c).

In relation to the distribution of population and housing growth across the county, the Office has identified a number of concerns regarding consistency with the policies and objectives of the NPF and RSES regarding settlements identified for significant rates of population growth, compact growth and reversal of rural decline in villages, as set out in NPOs 3c, 9, 16, 18a; and Regional Policy Objective (RPO) 3.1.

While it is acknowledged that Cavan is a rural county and it is important that rural areas continue to be supported, the approach currently being taken has the potential to divert housing from medium and smaller towns, and undermine the growth of Cavan town to a regional-scale.

In particular, the Office makes the following specific comments in respect of the proposed distribution of growth across the upper tiers of the settlement hierarchy (Tiers I to IV):

- Cavan, identified as a Key Town in the RSES has been allocated only 17% of the housing growth over the plan period. This is in significant contrast to the 28% housing growth for Tier III and 21% for Tier VII Rural Cavan comprising Villages, Rural Nodes and the open countryside. The Office considers that such an approach could undermine regional policy objectives for compact growth and developing urban places of regional-scale in relation to Key Towns (RPO 3.1)



and regional policy objectives that support the role of smaller and medium sized towns as defined in the RSES (RPO 3.13 and RPO 7.20).

- Both Virginia<sup>3</sup> and Cootehill<sup>4</sup> have been allocated significant population growth rates over the plan period which would increase their 2016 population by 32.5%, contrary to NPO 9. The Office notes that the wastewater treatment plant in Virginia has capacity constraints that may constrain its population growth over the plan period. The remaining Tier III and Tier IV settlements have also been afforded very high growth rates (close to 30%) which could result in a breach of NPO 9 and does not appear to account for wastewater treatment capacity constraints in some settlements such as Ballyjamesduff and Kingscourt.
- In relation to the lower tiers, including small towns (Tier V), villages (Tier VI) and the rural remainder including open countryside (Tier VII), the Core Strategy allocates a total of 34% of future housing supply to rural County Cavan inclusive of Tier V and Tier VI settlements and the open countryside over the plan period. However, only 13% of this growth is earmarked for serviced / defined settlements (Tier V and Tier VI). This approach undermines the overarching strategic objective in the draft Plan to achieve the sustainable, balanced development of the Rural Settlements and Rural Villages (development objective CSD 07) and needs to be reconsidered in the context of promoting compact growth (development objectives CSCC 01, HS 02 and HS 06) and sustainable transport (development objectives CSCC 02, LUR 01 and LUR 05) and in particular RPO 3.3 in the RSES and development objective CSCC 04 which seek to deliver at least 20% of all new housing in rural areas on brownfield sites.
- It is also noted that the forecasted increase in population of 4.9% in Rural Cavan, representing 22.9% of all population growth between 2016 and 2028 in the county has not been informed by an evidence-based approach, as required

---

<sup>3</sup> Between 2011 and 2016, Virginia experienced one of the highest rates of population increase in the county between at 16%

<sup>4</sup> Cootehill recorded a population decline of 12%, with a total of 1,853 people in 2016 (in comparison to the 2011 figure of 2,123).

under NPO 20 and under the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

In light of the above, the Office considers that the growth rates as set out in the Core Strategy (Table 11) should be reviewed to ensure consistency with the objectives for compact growth (NPO 3), developing urban places of regional-scale in relation to Key Towns (RPO 3.1), and national and regional policy objectives that support the role of smaller and medium sized towns as defined in the NPF and RSES (NPO 15, 16 and 20, and RPO 3.13 and RPO 7.20).

### Recommendation 1 – Housing Target Distribution

Having regard to National Policy Objectives (NPOs) for planning for the future growth of and development of rural areas set out in the National Planning Framework, in particular NPOs 15, 16 and 20, the planning authority is required to rebalance the overall allocation of population growth across the settlement hierarchy to achieve a more sustainable distribution of growth focused on towns and serviced villages across the county. In particular, the planning authority is required to:

- (i) increase the population allocation and growth rate for the Key Town of Cavan (in association with part (iv) below) to ensure that it can reach its minimum 30% uplift in population in accordance with Table 4 of the RSES and Regional Policy Objective (RPO) 3.1 which promotes the development of urban places of regional-scale;
- (ii) review the housing growth targets for Tier II and III settlements taking account of wastewater treatment capacity constraints and to ensure a breach of National Policy Objective (NPO) 9 does not occur. The planning authority is advised that the population growth for Virginia and Cootehill is not justified and is inconsistent with NPO 9;
- (iii) increase the level of growth to Tier V and VI settlements (in association with part (iv) below) to ensure delivery of development objectives in the draft Plan including balanced development of the Rural Settlements and Rural Villages (CSD 07) and sustainable transport (CSCC 02, LUR 01 &





LUR 05) and in particular to comply with CSCC 01 and RPO 3.3 which seek to deliver at least 20% of all new housing in rural areas on brownfield sites; and

- (iv) reduce and rebalance the distribution to Tier VII Rural Cavan in order to demonstrate consistency with NPOs 16, 18a, 18b and RPO 3.3. A clear evidence-based approach is required to determine the demand for one off rural housing in the open countryside over the plan period as required under NPO 20 and under the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

### 1.3 Residential Land Supply

The Planning Authority is to be commended for its preparation of zoning maps and settlement strategies for the nine higher order settlements. The Office also welcomes the dedicated Cavan Town Local Area Plan 2022-2028, (which sits within the draft Plan), which will assist in guiding development and future population growth in accordance with recent national and regional policies objectives.

The Office notes that the planning authority proposes to rezone Phase 1 residential land<sup>5</sup> which is within approximately 650 metres of the town core. While there appears to be a rationale for some of the rezonings in respect of specific objectives 6 and 14, there is insufficient justification for the extent of such rezonings in particular along Keadue Lane (Carrickfern estate) and Cock Hill where significant lands are proposed for rezoning to Amenity & Open Space and Public & Community. The Office considers that some of the lands identified as Phase 1 in the existing LAP and proposed for rezoning could contribute to compact and sequential development and consolidation of the town.

Notwithstanding the topographical challenges of some of the land within the development envelope of Cavan Town, there appears to be a historic legacy of excessive residential land use zoning, which is inconsistent with the policy framework in the NPF and RSES regarding compact and sequential development. While the

---

<sup>5</sup> Cavan Town and Environs Local Area Plan 2014 - 2020

Office supports the clear effort of the planning authority to address this issue, by identifying Strategic Residential Reserve Lands, our evaluation indicates that the quantity of land zoned for residential use (undeveloped existing and proposed residential land), and a mixture of residential and other uses, still remains in excess of the housing targets set out in the Core Strategy. In this respect it is noted that Core Strategy Table 11 does include land zoned 'Existing Residential' but which has not been developed.

Virginia also has extensive mixed use residential landuse (Masterplan area M3) which does not appear to have been fully considered in the context of the core strategy figures.

The Office notes the extensive Strategic Residential Reserve zoning in Cavan Town, which vastly exceeds the quantity of land zoned for new residential development. Given the nature, extent and location of the lands concerned, the wording supporting the objective in the draft Plan (section 14.8) would benefit from additional clarity to make it clear that such lands will not be considered for development under the lifetime of the proposed development plan. The development of such lands to accommodate single houses or other development during the period of the proposed plan would not be consistent with national and regional policy objectives concerning compact growth and would be inconsistent with the Core Strategy proposed under the draft Plan. It would also undermine the logical future development potential of these lands.

The 'whitelands' approach to zoning in the Tier V to Tier VII settlements, whilst acceptable in principle, would benefit from further clarification to enable delivery of compact growth and regeneration. The Office notes the flexible nature of such zoning to accommodate mixed use development but observes that the quantity of zoned lands relative to the cumulative housing supply target, is high, particularly as the 10 identified settlements are only to accommodate 510 homes over the plan period. In particular, the Office notes that it is proposed to extend the whitelands zoning outside the development boundaries of Bailieborough and Swanlinbar. Clarification is also required on the zoning objectives of these 'Whitelands' zoning with particular

reference to deliver obligations under Part V social & affordable housing<sup>6</sup> in accordance with section 94(4)(c) of the Act.

The Office fully accepts that it is reasonable for the draft Plan to provide a tailored approach to densities when estimating the requirement for zoned land depending on the size and character/function of individual settlements. It is nonetheless important that the assumptions used are consistent with the ranges advised in the *Section 28 Guidelines on Sustainable Residential Development in Urban Areas* (2009) and *Circular NRUP 02/2021 Residential Densities in Towns and Villages* in order to support national and regional policy objectives for compact growth, particularly in Tier I - IV settlements. The recommended densities in the Guidelines are not, however, reflected in Table 11 of the Core Strategy. For example, densities of 18-22 units per ha have been applied in Cavan Town, and below 20 units per ha in all other settlements. While the Office acknowledges the topographical constraints in the county, particularly in Cavan Town, these densities are considered to be unjustifiably low.

The quantity of land zoned for development purposes in the draft Plan will need to be reviewed (and possibly reduced) having regard to the need to rebalance the growth across the settlement hierarchy (Recommendation 1). The revised zoning maps should ensure that a clear distinction is made between developed and undeveloped residential zoned land, to demonstrate consistency with Section 10(2A) of the Act and the provisions of the NPF and RSES for compact growth.

## Recommendation 2 – Residential Land Supply

To provide the clarity and transparency necessary to ensure the effective delivery of compact growth, in accordance with National Policy Objectives 3c and 72(a-c), and provide a strategic and structured approach to the implementation of the plan's policy framework, thereby ensuring consistency with Regional Policy Objectives 3.1 and 7.16, the Planning Authority is required to:

<sup>6</sup> Objective HSO 2 of the Draft Plan seeks to implement Part V on all land zoned solely for residential use, or for a mixture of residential or other uses. It should be clarified here that Part V also applies to Whitelands zoning.



- (i) review the density assumptions in Core Strategy Table 11 to ensure that higher residential densities within the ranges advised in the Sustainable Residential Development in Urban Areas Guidelines and Circular NRUP 02/2021 Residential Densities in Towns and Villages have been applied;
- (ii) reconsider and appropriately reduce the provision of all zoned residential land, and land zoned for a mix of residential and other uses, including whitelands, to align with the quantity of land necessary to accommodate housing supply targets in the (revised) Core Strategy, and ensure a sequential approach to zoning and future development;
- (iii) provide justification for the proposed rezoning of Phase 1 residential lands around the periphery of the town core for further amenity, open space, recreation and other uses such as along Keadue Lane and Cock Hill. Such lands are identified in the Cavan Town and Environs Local Area Plan 2014 – 2020 as being within approximately 650 metres of the town core and could contribute to compact growth and consolidation. The planning authority is required to remove such rezonings in the absence of robust justification;
- (iv) significantly reduce the quantity of land zoned strategic residential reserve in Cavan Town to reflect the longer term NPF population targets to 2040. The planning authority is advised to remove the land located adjoining Kilnavarragh Lane, south west of Cavan town centre, located in Flood Zones A and B;
- (v) provide justification for the extent of ‘whitelands’ in Killeshandra and Swanlinbar in particular where it is proposed to extend the ‘whitelands’ zoning outside the current development boundary, for example along the R199 in Killeshandra and to the east of the Erne Business Park in Swanlinbar;
- (vi) distinguish between land that is developed and undeveloped in particular for established residential development within the plan boundaries;
- (vii) refine the ‘whitelands’ approach to zoning to include specific local objectives such as existing open space, focal spaces, amenities and areas



subject to flooding, thereby facilitating compact growth and ensuring a sequential approach to the zoning of lands; and

(viii) clarify the Strategic Residential Reserve objective and vision (section 14.8) to ensure that no residential development proposals, including single housing, will be considered by the planning authority, on lands identified as Strategic Residential Reserve until after the full lifetime period of the Development Plan 2022-2028.

### Observation 3 – Residential Land Supply & Part V

The planning authority is requested to clarify the specific wording in relation to the Whitelands zoning to ensure that Part V social & affordable housing is delivered in accordance with section 94(4)(c) of the Act.

#### 1.4 Tiered Approach to Zoning

NPO 72a requires planning authorities to apply a standardised tiered approach to differentiate between tier 1 (serviced land) and tier 2 (lands that can be serviced during the plan period) for all land use zoning types. Lands that cannot be serviced within the plan period should not be zoned (NPO 72c).

The 'Methodology for a Tiered Approach to Land Zoning', as set out in the NPF appears not to have been applied within the settlement maps and it is unclear what 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. The Office considers that further clarity is required to ensure consistency with NPO 72(a-c).

### Recommendation 3 – Tiered Approach to Zoning

The planning authority is required to demonstrate that the tiered approach to zoning required under the National Planning Framework (NPO 72a, NPO 72b and NPO 72c refer) has been applied which should have regard to the provisions of an Infrastructural Assessment Report, details of which must be included in the



Development Plan, all in accordance with the methodology set out in Appendix 3 of the NPF.

## 2. Compact Growth and Regeneration

The Office congratulates Cavan County Council on recently securing over €2.2m in funding under the Rural Regeneration and Development Fund for projects in Bailieborough and Ballyconnell. Re-development of the former Bailieborough Courthouse as an economic, community and cultural hub to include a museum, cultural and exhibition spaces, and the renovation and redevelopment of the former Market House in Ballyconnell as a community, remote working, and tourism hub, will facilitate the regeneration of these two towns. It is important that the draft Plan promotes and recognises such projects in the relevant sections of the plan similar to the Virginia Civic, Cultural and Library Services Centre referred to in section 2.3.9.

The Office welcomes the strong policy commitments to the regeneration and renewal of towns and villages in the County as detailed in Chapter 2.0 of the draft Plan. The draft Plan appropriately supports a range of site activation measures (development objective VSL 01) and extensively references a series of Revitalisation Plans. It is noted that one of the key priorities for Cavan Town in the RSES is to *‘Support the actions set out in the Cavan Town Revitalisation Plan’*.

While it is noted the draft Plan supports the implementation of the Revitalisation Plans e.g. development objectives CPR 01 and VRP 01, the settlement strategy could be further strengthened by incorporating specific objectives / measures from the town revitalisation plans into the draft Plan and establishing measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured.

A number of site specific masterplans / briefs have already been prepared for some zoned urban sites in the county, detailed in Appendix 24 (Masterplan) and Appendix 25 (Cavan Town Assets & Projects Overview Report). Chapter 2.0 Settlement Strategies within the draft Plan would benefit from incorporation of (some of) the information contained in Appendices 24 and 25 to further articulate and illustrate



masterplan concepts and proposals for specific sites in the urban settlements. Further it should be clarified how these masterplans are to be delivered in the future.

Without quantifiable data in the draft Plan, including the location and quantity of infill, brownfield and town centre consolidation sites, it is not clear how 30% of future housing requirements within the existing built up footprint of all settlements can be delivered in accordance with NPO 3c, and Strategic Aim IV and development objective CSD 08 of the draft Plan. Measurable data is necessary to facilitate monitoring of the plan and to establish if the 30% target has been achieved at the end of the plan period. Whilst the draft Plan does promote the implementation of a monitoring strategy for the delivery of housing (development objective HS 13) this approach could be further strengthened by establishing measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured.

#### Recommendation 4 – Compact Growth

In order to 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 Sustainable Residential Development in Urban Area Guidelines*, the planning authority is required to:

- (i) quantify those areas of settlements which will contribute to the cumulative delivery of 30% of all new homes within the built-up footprint of existing settlements; and
- (ii) provide an two additional columns in Table 11 of the Core Strategy to quantify the area (in hectares) and housing yield from zoned 'Existing Residential' in the (revised) Core Strategy Table 11.

### 3. Development Management Standards

The draft Plan makes reference to a number of relevant Development Management Standards applicable to development projects and which support the overall objectives in the draft Plan, including the objective to achieve greater compact



growth. However, the Office has a number of concerns relating to specific guidelines and standards as follows:

- The density standards in RD01 are not consistent with the Section 28 Guidelines on Sustainable Residential Development in Urban Areas (2009) and Circular NRUP 02/2021 Residential Densities in Towns and Villages which support national and regional policy objectives for compact growth. Notwithstanding the topographical constraints in Cavan town, these can be dealt with on a site specific level rather than the blanket adoption of very low densities that will result in further sprawl in Cavan and other town, and unsustainable car-dependant development.
- While it is noted that the draft Plan does refer to the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) (Objectives BHDO 01 to BHDO 03 and HS 09), it does not identify areas where increased building height will be actively pursued or seek to deliver on Specific Planning Policy Requirement (SPPR) 1 of the aforementioned guidelines.
- The draft Plan states that there shall be a presumption against new apartment type accommodation in small towns and villages of the County contrary to the spirit and intention of the *Sustainable Urban Housing - Design Standards for New Apartments, Guidelines for Planning Authorities* (2018).
- The NPF signals a move away from rigidly applied, blanket planning standards in relation to building height, garden size and car parking in favour of performance based standards (NPO 13) where appropriate. There are a number of prescriptive standards promoted within Chapter 13 of the draft Plan which could militate against the principle of promoting appropriate density and compact growth in the higher order tier settlements, including:
  - site coverage limited to 80% except in exceptional circumstances (Objective SC 01 – section 13.4.3);
  - maximum plot ratios of 1.0 at edge of centre sites and 2.0 in town centre locations (Objective PR 01);





- a separation distance of 22m between directly opposing rear windows at first floor in the case of detached, semi-detached, terraced units (Objective OO 01)
- a separation distance of 35 metres will normally be required in the case of overlooking living room windows and balconies at upper floors (Objective OO 02); and
- Table 7.4 Car Parking Standards, whereby it must be clarified that the requirement as stated is for maximum standards.

### Recommendation 5 – Development Management Standards

In accordance with section 10(2A)(a) of the Act, the planning authority is requested to:

- (i) ensure that residential densities are within the ranges advised in the Sustainable Residential Development in Urban Areas Guidelines and Circular NRUP 02/2021 Residential Densities in Towns and Villages. The planning authority is advised to provide a clear justification in instances where the recommended densities are unable to be achieved;
- (ii) provide relevant information to show that the draft Plan and Housing Strategy are consistent with the specific planning policy requirements (SPPRs) specified in the *Urban Development and Building Heights Guidelines for Planning Authorities (2018)* by more fully demonstrating consistency with SPPR 1 and explicitly addressing SPPR 2, SPPR 3 and SPPR 4;
- (iii) provide clarity on the expected minimum densities for town/village centre and infill/brownfield sites acknowledging that these will be determined on a site specific basis; and
- (iv) amend the draft Plan to demonstrate consistency with the relevant SPPRs in the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018)* and to proactively promote apartment development in all urban areas.



## Observation 5 – Development Management Standards

The planning authority is requested to:

- (i) review the car parking standards promoted in the draft Plan to ensure that appropriate maximum standards are included for both residential and commercial developments in urban areas in accordance with NPO 13; and
- (ii) review the site coverage (Objective SC 01) and plot ratio standards (Objective PR 01); and minimum separation distances between opposing windows (Objective OO 01), and between living rooms and balconies (Objective OO 02) and instead focus on assessing individual development proposals on performance based criteria dependent on location and individual site characteristics in accordance with the provisions of NPO 13.

## 4. Rural Housing and Rural Regeneration

### 4.1 Rural Housing Policy

Cavan is a predominantly rural county 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.

Consistent with national and regional policy objectives and given the significant and important contribution of rural areas to the county, the draft Plan seeks to promote the economic development of rural areas whilst protecting the rural environment. Section 12.14 of the draft Plan confirms that, “it is necessary to carefully manage rural housing development”. This is of particular importance to County Cavan having regard to the high levels of rural housing growth experienced in the county during the last inter census period in comparison to housing growth in defined settlements.

The Category A definition of 'rural generated housing need' restricts housing provision based on economic or social 'links' and not based on demonstrable economic or social 'need' as specified in NPO 19. Further, the definition of rural generated housing in Section 12.13.2 of the draft Plan which includes housing sought by persons working '*in nearby urban areas*' has the potential to undermine policies regarding the sustainable growth of towns and villages and the development of sustainable transport infrastructure (objective SC 01), whereby those working in urban areas do not necessarily have a need to live in rural areas and should be directed to identified towns and villages in the settlement hierarchy.

Section 12.13.2.1 identifies 3 no. rural types including Areas Under Strong Urban Influence; Stronger Rural Areas and Structurally Weak Areas. The Office considers that the rural types proposed in the draft Plan are not dissimilar to the policy of the current Cavan County Development Plan 2014-2020 and fail to take into account the requirements of NPO 19 which makes a distinction between only two types of areas for rural housing in order to protect against urban generated demand and to focus on the regeneration of rural towns and villages.

The geographical and spatial extent of the rural area classification *Strong Urban Influence* would appear to be based on a certain distance from the town centre of Cavan and Virginia rather a specific drive time along the national road network and does not fully take account of areas of significant population change shown in Figures 4 and 5.

Figure 4 indicates significant population growth extending north along the N3 from Cavan Town to the Belturbet area, and south of Cavan Town along the N55 to south of the Ballinagh area. These do not appear to reflect commuting flows or proximity and accessibility to large towns which are asset criteria which the draft Plan suggests has informed its 'compact growth' model for the settlement hierarchy (Table 4 refers). While commuting is not the only criteria consideration, it is considered relevant in the context of a rural county which displays high levels of rural housing and associated car-dependency.

Within areas under Strong Urban Influence, development is restricted to landowners and their immediate family members only (Objective SUI 01). This reference to bloodline and family ties does not comply with the requirements of NPO 19. Further, Objective SUI 02 states that individuals who have a rural generated housing need will also be accommodated if they have strong social or economic links. This objective does not provide for a distinct rural policy response for different rural areas as required under NPO 19.

### Recommendation 6 – Rural Housing Policy

The planning authority is required to revise the draft Plan's policy in respect of rural housing to ensure consistency with NPO 19 of the National Planning Framework. In this regard, the planning authority is required to:

- (i) review the policy framework for rural areas under strong urban influence to be consistent with NPO 19 based on the core consideration of demonstrable economic or social need (not links) to live in a rural area. This should include a review of SUI 01 to ensure that references to landowners and family members is related to social and economic need having regard to NPO19, and ensure that commensurate restrictions are included such that the dwelling is the first home;
- (ii) amend the rural housing policy objectives and the specific criterion demonstrating rural generated housing and rural generated housing need, such that policy measures for rural one-off housing in rural areas under 'Strong Urban Influence' are distinct and separate to other defined areas, in compliance with NPO 15, NPO 16 and NPO 19; and
- (iii) undertake a review of the definition and spatial extent of Rural Typologies in the draft Plan, to facilitate the provision of single housing in the countryside consistent with NPO19 and NPO20 and to ensure appropriate compact growth within settlements. In this regard the full extent of the asset based criterion set out in Table 4 of the Core Strategy in the draft Plan should be applied in defining the spatial extent of different typologies, including in particular the commuter catchment of the larger towns and



centres of employment. The planning authority is advised that it is a requirement of NPO 19 that in providing for development of rural housing, a distinction is made between (i) areas under urban influence and (ii) rural areas elsewhere only.

## 4.2 Rural Regeneration

The Office acknowledges the draft Plan's strategic development approach for lower tier rural settlements and villages and the open countryside as outlined in the core strategy. The Office notes that the draft Plan's overarching policy intent is centred on supporting vibrant rural communities focused around a network of rural towns and villages. Various management tools and policies are proposed to promote appropriate and proportional growth in settlements, for example development objectives RCN 01 and RH 03 which promote development in the 21 no. identified rural community nodes and seeks to deliver at least 20% of all new housing in rural areas on brownfield sites respectively. In this regard, further clarification is required regarding the implementation of initiatives including the delivery of serviced sites (objective RA 01) in accordance with the provision of the RSES (RSES Section 3.5).

The RSES builds upon the NPF and provides a range of policies for the region that seek to support rural areas and promote rural regeneration, including the provision of serviced sites. Within this overarching framework, it is noted that the hierarchical role and function of lower order settlements and villages (Tier VI and VII) is unclear in the settlement hierarchy. Notwithstanding CSD 07 in the draft Plan which promotes new homes in rural settlements and villages as an attractive alternative to one off housing in the open countryside, the Office considers that stronger policy is required which promotes and favours new housing in Serviced Rural Villages and/or Settlements in the first instance, in preference to the open countryside. Without such policy support, it is unclear how the 20% target for the delivery of all new housing in rural areas on brownfield sites can be achieved as per RPO 3.3 in the RSES and Objective RH 03 in the draft Plan, which may include proactive land management, site acquisition and assembly and the preparation of development briefs to bring forward lands that might not otherwise be developed.



The Office recognises that the establishment of settlement boundaries for Tier VI and VII settlements and villages will greatly assist in framing a proactive strategy for the renewal and regeneration of rural settlements.

### Recommendation 7 – Rural Regeneration

Having regard to National Policy Objective 19 and Regional Planning Objectives RPO 3.4 and RPO 3.7, the Planning Authority is required to include a more proactive strategy for the regeneration of its rural settlements and villages (Tiers V, VI & VII), including:

- (i) proactive measures to ensure that the 20% target for the delivery of all new housing in rural areas on brownfield sites can be achieved as per RPO 3.3 in the Regional Spatial and Economic Strategy, including the provision of serviced sites in accordance with proposals in the RSES (RPO 3.7) and other implementation initiatives;
- (ii) further objectives and / or measures which directs both rural and urban generated housing to serviced rural settlements and villages in the first instance, in preference to the rural area; and
- (iii) provision of clear targets and provisions for monitoring residential development permitted as single rural houses.



#### Observation 4 – Regeneration Delivery

Having regard to RPO 3.1 and regional policy objectives for regeneration and revitalisation in Chapter 3 of the RSES, the planning authority is requested to:

- (i) set out a clear timeline and strategic approach to implementing the Revitalisation Plans and to set measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured;
- (ii) incorporate appropriate details relating to the Masterplans into Chapter 2.0 Settlement Strategies to include visual representation, mapping and graphics for the towns of Cavan, Virginia, Bailieborough and Cootehill;
- (iii) provide clarification on how the masterplans are to be delivered and timelines for the preparation of masterplans in Mullagh, Kingscourt and Belturbet, and remaining masterplan sites in Virginia e.g. The Pottle; and
- (iv) provide further policy context regarding regeneration projects funded under the Rural Regeneration and Development Fund such as in Bailieborough and Ballyconnell in the relevant sections of the settlement strategy.

## 5. Economic Development and Employment

### 5.1 Enterprise & Employment

The Office welcomes the 'Strategic Economic Framework 2021' which has been prepared to support and inform the development of County Cavan through the identification of investment opportunities, areas of economic expansion and new growth employment opportunities. In general, there is good cross referencing and synergy between the economic objectives of the plan, the core strategy and settlement hierarchy and the planning authority is to be commended for this.

The extent of General Enterprise & Employment zoned land in Cavan town seeks to build upon its excellent Jobs to Resident Workers ratio of 1.388. This supports the important regional function that Cavan Town performs, aided by the IDA business park in the town. However, the spatial location of some of the land and the overriding





objective of providing a more compact, less sprawling, and better structured urban area for the town of Cavan needs to be considered.

The draft Plan provides new and additional development lands for Enterprise and Employment purposes south and east of the N55 (adjoining the Corlurgan Business Park), totalling some 9.5 hectares in area. There is a further circa 11.7 hectares on the eastern side of the N3 (N3/R212 junction) to the north east of the town (this zoning has been carried forward from the existing development plan). Both the N55 and N3 function as a natural physical development boundary to the town and such landuse provision has been made notwithstanding the substantial area of land (28.7 hectares) zoned for Enterprise and Employment Strategic Reserve located on the western side (inside) of the N55 and closer to the town centre. Affording a landuse zoning and facilitating new employment development across a natural development boundary (national road) that is not of itself conducive to walking and cycling modes militates against the objectives of consolidation of the existing built urban footprint and conflicts with objectives in the draft Plan to build a much stronger urban core and vibrant town centre. Further, section 2.7 of the *Spatial Planning and National Roads Guidelines* (2012) caution against the ‘...zoning of locations at or close to interchanges where such development could generate significant additional traffic with potential to impact on the national road.’ The proposed Enterprise & Employment zonings referred to above are close to existing junctions on the N3 / N55 bypass of Cavan Town.

The Office notes that the plan aims to promote and facilitate the sustainable growth of Virginia as a hub for the east of the County and zones significant land for Enterprise & Employment purposes in line with its status as a Tier II town. The Office notes four large landbanks zoned for enterprise and employment purposes namely the M4, M5, and M6 and an area with specific objective 6. In particular, the Office would query the rationale for zoning land identified as M6, given its location outside the development boundary and the area with the specific objective 6 at the edge of the settlement which has a demesne landscape adjoining the lake and the presence of a large, established residential unit.





The Office notes that there continues to be significant land zoned for General Enterprise & Employment purposes in the Self Sustaining Growth Towns and Self Sustaining Towns. There is no evidence-based approach included in the draft Plan to support such extensive zoning particularly new and additional development lands for Enterprise & Employment in Bailieborough, at the northern and southern extremities of the town.

### Recommendation 8 – Employment & Enterprise Zoned Land Supply

To ensure the provision of adequate employment land in support of Regional Policy Objective RPO3.13 and to provide the clarity and transparency necessary to ensure the effective delivery of compact growth, in accordance with RPO 3.1, the Planning Authority is required to:

- (i) provide evidence-based justification for the quantity and location of all employment generating land use zonings (or for a reduced area zoned for such uses in the absence of a robust justification) in the towns of Cavan, Virginia, and Bailieborough;
- (ii) reconsider and appropriately reduce the quantity of land required to accommodate employment growth in Cavan Town. Having regard to the need to promote the compact and sequential development of the town and preserve the capacity of the national road network as set out in Section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), the planning authority is required to remove all land use zonings afforded to land located south and east of the N55 and N3. This request is made having regard to the potential of future employment land use zoning that will emanate from land identified as Strategic Reserve inside the N55 and N3 in the next plan period; and
- (iii) reconsider and appropriately reduce the quantity of land zoned General Enterprise & Employment in Virginia. Having regard to quantity of land zoned for General Enterprise & Employment, Section 2.9 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and the need to protect the potential route options for the Virginia N3



Bypass, the planning authority is required to consider removing the zoning from the M6 lands at Burrencarragh and also to provide justification for the zoning of the land with specific objective 6 in particular.

## 5.2 Rural Economy & Tourism

The Office acknowledges that the draft Plan gives particular attention to the rural economy and to tourism. Given the importance of this sector to the county this is consistent with NPO 23, RPO 4.7 and RPO 4.8.

Cavan Town is a Key Destination Town under the tourism destination branding for 'Ireland's Ancient East'<sup>7</sup> (RPOs 4.6, 4.7 and 4.8) and 'Ireland's Hidden Heartlands' (RPOs 4.9 and 4.11). The Office advises that this could be better reflected in the draft Plan.

Objective REE 01 of the draft Plan supports the establishment, or suitable expansion, of small-scale businesses in rural areas where it is demonstrated that the proposal could serve as a valuable addition to the local economy. Objective REE 02 clarifies that there is a requirement to demonstrate that the proposed location is suitable and that the proposal would not be viable at an alternative location. While the Office understands that it is not the intention of the planning authority to allow any/all types of commercial developments in rural areas, it is nonetheless advised that this policy is reviewed to remove any ambiguity and to clarify that commercial development should locate in rural towns and villages in the first instance unless the development is location or resource specific.

The Office notes that there are a number of objectives in the draft Plan which support the development of holiday and tourist accommodation purposes (Objective TV 02 and TV 04). There is concern that such a strategy may result in a proliferation of dispersed holiday homes throughout the rural county. These objectives as drafted do not encourage the location of such facilities in the first instance within towns and villages, which uses and development could contribute to a potential reduction in

---

<sup>7</sup> Page 158 of the RSES for the NWRA



town centre vacancy rates and stagnating/declining population in some settlements.

#### Observation 6 – Rural Tourism

The planning authority is requested to review the wording of development objectives TV 02 and TV 04 to ensure that commercial type development and tourist / holiday type accommodation is encouraged to locate in towns and villages. Such provision shall only be acceptable in rural areas, outside towns and villages, if it is location specific or resource based.

### 5.3 Retail

The Office welcomes the new Cavan County Retail Strategy 2021-2028 (CRS) which was prepared to reflect the changing environment for retail development emerging from Brexit and the COVID-19 pandemic with its associated increase in online spending.

The Office notes that the proposed retail hierarchy provided in the CRS differs from the settlement hierarchy as detailed in the draft Plan. Notwithstanding the justification provided in the CRS, it is considered that such anomalies result in a lack of transparency within the draft Plan and confuses the role and function of the settlement hierarchy. The distinction between Tier II and Tier III towns in the settlement hierarchy is blurred and the sub regional status of Virginia as promoted in the RSES is not recognised in the retail hierarchy. The greatest discrepancy between the settlement and retail hierarchy occurs at Tier 3 in the retail hierarchy which is divided between (A) Satellite retail centres and (B) Local Retail Centres but incorporates a range of towns and villages from Tier IV – Tier VII.

Accordingly, it is important that the retail and settlement hierarchies generally align as the retail hierarchy influences the extent of retail development that shall be permitted in a town or village and which should be similar for all settlements within a defined Tier.



Having regard to the need to prioritise retail provision within town cores and to adopt a sequential approach to development as set out in the *Retail Planning Guidelines 2012*, along with the need to preserve the capacity of the national road network as set out in Section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), it is necessary that clear guidance is provided and that all types of retail use including retail comparison, convenience and retail warehousing are not permitted on Employment and Enterprise landuse zonings.

The Office notes that retail warehouse zoning is afforded to the Lakeland Retail Park including two adjoining convenience store operators (Supervalu and Polonez). It is noted that retail convenience use is not permitted under retail warehouse zoning. Consideration should be given to addressing this discrepancy and affording an

### Recommendation 9 – Retail Policy

In accordance with Section 10(2A) of the Act and to ensure clarity and consistency within the Development Plan and the Retail Strategy, the planning authority is required to:

- (i) clarify the role and function of all settlements in the county to ensure that both the Settlement Hierarchy and the Retail Hierarchy generally align;  
and
- (ii) ensure there is clarity and consistency in terms of type and quantum of retail floorspace permitted within the various tiers of the settlement hierarchy and address anomalies within Tiers, such as the limitation on convenience outlets.

appropriate alternative landuse zoning to the convenience stores which permits the established use.



### Observation 7 – Retail Provision

Having regard to the need to prioritise retail provision within the town core and to adopt a sequential approach to development as set out in the *Retail Planning Guidelines 2012*, along with the need to preserve the capacity of the national road network as set out in Section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, the planning authority is requested to clarify that all types of retail use including retail comparison, convenience and retail warehousing are not permitted on General Enterprise & Employment zoned land.

## 6. Sustainable Transport and Accessibility

The Office welcomes the overriding objective in the draft Plan to encourage walking and cycling as the primary modes of transport within settlement communities. However, it is unclear from the settlement hierarchy and zoning strategy (Recommendation 1, 2, 4 and 8) or from the policies set out in Chapter 2.0 of the draft Plan, how the proposed settlement strategy or any specific measures will reduce travel demand or maximise the efficiency of the transport networks, in the manner envisaged under the Government's Smarter Travel policy.

In particular, there is concern that the allocation of 23% of future population growth to the Rural Cavan area will militate compact growth and sustainable travel patterns. Further, there are no specific or detailed transport objectives influencing the settlement strategies as detailed in Chapter 2.0 or the rural tourism destinations identified in Chapter 9.0. While it is not the function of the plan to provide connectivity objectives for each and all of those rural facilities, consideration of same might present an understanding of likely access and movement trends throughout the County.

The RSES requires the preparation of Local Transport Plans (LTP) to be made for the Key Town of Cavan to support objectives of compact growth and sustainable mobility. While Objective CNR 02 in the draft Plan seeks to “*support the implementation of the Cavan Town Transportation Plan 2007 and prepare a local*



*transport plan over the lifetime of the Local Area Plan as a revision to the 2007 Transport Plan”,* the Office is concerned that a draft Local Area Plan has been prepared in advance of a LTP. Given the critical need to integrate land use and transport planning as part of the Plan making process, and in order to inform development and infrastructural investment programmes during the lifetime of the development plan, it is preferable, consistent with NTA recommendations, that LTPs are prepared in advance of, or at least in tandem with the preparation of the development plan and local area plan. Furthermore, there appears to be no specific transport proposals or measures within the Local Area Plan, which supports the implementation of the Cavan Town Transportation Plan 2007 as indicated in Objective CNR 01. The planning authority should also give consideration to the preparation of Area Based Transport Assessment or similar for Tier II and III settlements.

Specific modal share targets should be defined for Cavan town and all higher tier settlements with possible aggregate targets for the lower tiers. Targets for modal split for the purpose of the draft Plan should be considered in counsel with the objectives of the relevant transport agencies including the National Transport Authority (NTA), and Transport Infrastructure Ireland (TII).

### **Recommendation 10 – Transport & 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 relevant transport authorities (NTA and TII) to:

- (i) review its approach to sustainable movement and accessibility under Chapter 7.0 of the draft Plan to provide for sustainable transport strategies for the county’s urban and rural areas and in light of the recommendations made relating to the quantity and location of zoned land (Refer to Recommendations 1,2,4 & 8);
- (ii) include targeted objectives for what the plan intends to achieve in terms of sustainable transport over the plan period, in respect of the various



- transport modes and the priorities for same under Government Smarter Travel including setting modal share targets;
- (iii) commit to the preparation of a new Local Transport Plan in accordance with the requirements of the RSES within one years of the adoption of the County Development Plan, whilst also making provision for a material alteration to the Local Area Plan as necessary;
  - (iv) review related policy objectives (including CNR 01 and 02) in the context of part (iii) above; and
  - (v) include the route options for the proposed N3 Virginia Bypass and overlay same on the land use zoning maps for Virginia.

## 7. Climate Action and Renewable Energy

### 7.1 Climate Action

The efforts that the planning authority has made to include policies and objectives supporting climate change in the draft Plan is acknowledged and commended. Further, the Office notes that the planning authority has considered climate change as a cross cutting theme across all chapters of the draft Plan and this is a welcomed approach. Having regard to section 10(2)(n) of the Act, the Office considers that the strategic aims which guide the advancement of this development plan would benefit from the inclusion of any additional strategic aim which promotes climate change action and a reduction in greenhouse gas emissions.

In order to optimise the achievement of strategic climate policies and indeed the Planning Authority's own *Climate Change Adaption Strategy*, it is essential that the planning authority adopt a plan led approach. Therefore, the definition of settlement boundaries, the zoning of lands for specific uses (section 10(2)(a) of the Act), and the establishment of guiding policies for Rural Cavan including smaller towns and settlements are vital 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. To this end, responding to the recommendations herein will also contribute to the achievement of requirements set out under Section 10(2)(n) of the Act.



## 7.2 Renewable Energy

The Office acknowledges the inclusion of a range of policies and objectives supporting renewable energy development detailed in Chapter 7.0 Transport and Infrastructure. The Office considers that the draft Plan has the potential, subject to the following, for positive impacts in terms of energy reduction and greenhouse gas (GHG) emissions reductions as required by section 10(2)(n) of the Act for new development.

While relevant objectives support, promote and prioritise solar, geothermal, biomass and hydro developments, Objective WE 03 only encourages and supports the development of small-scale wind energy development and single turbines in urban and rural areas and Industrial Parks.

This policy could be construed as a restriction on the scale of wind farms and has no national policy basis. It is also noted that a number of successful wind farms have been developed in County Cavan, including Bindoo Farm, Corneen, and Mountain Lodge Wind Farm over the past decades. The Office considers, therefore, that the planning authority should reconsider the wording in objective WE 03 as it promotes an overly restrictive approach to wind farm development and may undermine national policy on climate action and the reduction of GHG emissions.

In addition, while the draft Plan references the *Wind Energy Guidelines 2006* it does not refer to the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017*. The Specific Planning Policy Requirement (SPPR) contained in these section 28 Guidelines requires as follows: *'to indicate how the implementation of the relevant development plan or local area plan over its effective period will contribute to realising overall national targets on renewable energy and climate change mitigation, and in particular wind energy production and the potential wind energy resource (in megawatts)'*.

In this respect the Office notes that the draft Plan does not identify how the county will contribute to realising national climate change and renewable energy targets including specific targets in megawatts for wind energy potential set out in the *Climate Action Plan 2019* (8 MW of onshore wind energy by 2020).





The plan also does not include a Renewable Energy Strategy including wind energy capacity, landscape character assessment or and sensitivity mapping. Although the Office notes the intention to prepare a strategy within 2 years of the adoption of the plan, this does not sufficiently address the urgency of climate action as expressed by the 2030 targets. While the Office fully appreciates the resources involved in the preparation of such a strategy, this should be prioritised at this stage of the plan making process in order to ensure consistency with the aforementioned *SPPR*, and national policy objectives including *NPO 55* and *RPO 56* (low carbon economy) and *RPO 87* (Low carbon energy future).

### Recommendation 11 – Renewable Energy

In accordance with the provisions of section 28(1C) of the Act, and having regard to the government’s commitment in the *Climate Action Plan* to achieve 70% of electricity from renewable sources by 2030 (adding 12GW of renewable energy capacity nationally), *National Policy Objective 55* which promotes renewable energy use and generation to meet national targets, and section 28 guidelines *Wind Energy Development Guidelines (2006)* and the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)*, the planning authority is required to:

- (i) indicate how the development plan will contribute to meeting national renewable energy targets, including specific targets in megawatts for wind energy potential in the county. In the absence of any nationally or regionally determined targets for County Cavan specifically, you are advised to demonstrate appropriate metrics in this regard, which could include Cavan’s share of estimates of additional national renewable electricity target as defined by the % of national land area represented by the county, linked back to the cumulative renewable energy production potential of the areas designated for renewables development; and
- (ii) provide an evidence based Renewable Energy Strategy or at least a policy framework that is consistent with relevant section 28 Guidelines to support



the delivery of part (a) above including clear policy objectives and wind capacity and sensitivity mapping.

- (iii) Review development objective WE 03 in light of part (a) and (b) above.

## 8. Flooding

The Office acknowledges and welcomes objectives (FRM 01 – FRM 14) which seek to mitigate impacts arising from development within flood zones by protecting Flood Zone A and Flood Zone B from inappropriate development.

Having reviewed the landuse zoning maps in Volume 2 of the draft Plan, a number of zonings in Flood Zone A and B that have not been subject to a Justification Test have been identified in Ballyjamesduff, Belturbet, Cavan Town, Kingscourt and Mullagh.

In accordance with the provision of the *Planning System and Flood Risk Assessment Guidelines* and Circular PL 2/2014, a justification test must be undertaken to assess the appropriateness of the land use zoning for areas that are considered to be of moderate or high flood risk, including existing developed areas of towns and cities located in Flood Zone A and B. The planning authority is advised to consider dezoning land at flood risk in instances where surplus zoned land is identified in addressing Recommendations 2 and 8 above.

### Recommendation 12 – Flooding

The planning authority is required to review the Strategic Flood Risk Assessment (SFRA) to ensure consistency with the Planning System and Flood Risk Assessment Guidelines and Circular PL 2/2014 and to determine if there is sufficient information to inform the land use zoning decisions, or if further detailed analysis is required. In particular, undeveloped land identified for development purposes in Flood Zone A and B in Ballyjamesduff, Belturbet, Cavan Town, Kingscourt and Mullagh needs to be re-examined. Further, land identified as whiteland in Crossdoney, Crosskeys, Dowra, Killeshandra, Kilnack,



Redhills, Sherlock and Swanlinbar should be reviewed. For land that is deemed to be of moderate or high flood risk and is sequentially preferable and could contribute to compact growth and higher density development, it will be necessary to undertake a Justification Test within the context of the SFRA. The Office of Public Works should be consulted in relation to the matters raised in this recommendation.

### Observation 8 – Flood Risk Mappings

To enhance transparency and provide for greater consistency with commonly accepted practice, the planning authority is requested to overlay the flood risk maps on the zoning maps for each settlement to provide for greater transparency regarding flood risk and the need for site specific flood risk assessments outlined in the SFRA.

## 9. Environment, Heritage and Amenities

Chapter 10 Natural Environment addresses the mandatory objectives relating to the protection and conservation of the natural environment.

Section 10(2)(o) of the Act requires public rights of way to be located on both a map and on a list appended to the development plan. The Office notes that Objective ROW 01 seeks to identify and map on an ongoing basis Public Rights of Way within the County and incorporate them into the plan by way of a Variation, and that a preliminary list is included. While it is preferable that this is undertaken through the County Development Plan process, having regard to the resource and timing constraints the approach proposed is considered acceptable, although a clear time frame should be included in ROW01. The planning authority's attention is drawn to examples of good practice identified in the OPR's recent Case Study Paper on this subject matter.



### Observation 9 – Public Rights of Way

Having regard to the requirements of Section 10(2)(o) of the Act, the planning authority is requested to amend Objective ROW 01 to include a 18 month timeframe for preparation of the maps identifying public rights of way and incorporation into the plan by way of a Variation.

## 9.1 Environmental Reports

While the Office is not a competent authority under article 6(4) of the SEA Directive, it considers that there is scope to enhance the integration between environmental reporting and the draft Plan preparation process, including 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 preparing the draft plan for public display.

Whilst the issue of flooding is recognised as a threat in the SEA, the findings of the SFRA could be better integrated into the SEA. The SEA confirms that the findings of the SFRA have been incorporated into the draft Plan but then a footnote clarifies that this is not necessarily the case in respect of landuse zonings in Cavan Town and Environs, Kingscourt and Belturbet. Section 8.4.4, Summary of Potential Effects, does not comprehensively address proposed zoning in the context of the SFRA and the Justification Test undertaken. Further, Table 9.1 does not list any environmental considerations with respect to flooding (mitigation measures).

## 10. General and Procedural Matters

### 10.1 Statement of Compliance with Ministerial Guidelines

A statement of Compliance with Ministerial Guidelines, required under section 28(1A) & (1B) of the Act, has not been provided.

### Recommendation 13 – Compliance with Ministerial Guidelines

In accordance with section 28 (1B) of the Act, the planning authority is required to provide a Statement of Compliance with Ministerial Guidelines to demonstrate



how the planning authority has implemented the policies and objectives of the Minister contained in the guidelines or if applicable, that the planning authority has formed the opinion that it is not possible, because of the nature and characteristics of the area or part of the area of the development plan, to implement certain policies and objectives of the Minister contained in the guidelines.

Having regard to Recommendation 11, the planning authority' attention is specifically drawn to the section 28 *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change 2017*.

## 10.2 Extent of Documents

While the Written Statement of the draft Plan is presented in a standardised format, the Office is concerned with the number (25 no.) of Appendices spread across four volumes which makes it more difficult for the public and those generally familiar with the planning system to navigate. There may be an opportunity to rationalise elements of the draft Plan and references to other policy documents, in an attempt to streamline and make a more concise and user friendly document.

Consideration should be given to the incorporation of single map / diagram pages into the Written Statement thereby reducing the number of Appendices in Volume 1. Further, a Table of Contents should be introduced to the Volume of Appendices adequately informing members of the public on the content of all four volumes and the extent of information provided.

Finally, while there is an extensive range of national and regional policy, legislation and guidelines which the planning authority must have regard to and comply with in preparation of the draft Plan, consideration should be given to reviewing the final document and reducing the significant explanatory text detailing national and regional policy documents. This would result in a plan that is easier to follow and provides greater focus on the key objectives for the plan period.



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

### 10.3 Landuse Zonings

The green colour used to identify the Retail Warehouse landuse zoning is similar to the green colour afforded to Sport & Recreation land use zoning. The use of different colours to better distinguish both zonings should be considered.

#### 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 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.

The Office acknowledges that meeting the requirements of the above recommendations and observations will require a lot of work. That work is required and should be prioritised to ensure that this Office can conclude that its adoption is in alignment with your authority's wider statutory obligations.

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