

1st October 2021

Senior Executive Officer,
Draft Carlow County Development Plan 2022-2028,
Planning Department,
Carlow County Council,
Athy Road,
Carlow.

Re: Draft Carlow County Development Plan 2022 - 2028

A chara,

Thank you for your authority's work in preparing the draft Carlow County Development Plan 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.

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 31AO(1) and 31AO(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 Southern Regional Assembly Regional Spatial and Economic Strategy (RSES), which seek to promote the rebalancing of regional development in a sustainable manner. The Office welcomes the approach the planning authority has taken in preparing the draft Plan, which proactively embraces many of the challenges and opportunities identified in the NPF and the RSES through clear and concise policies and objectives within a well-structured draft Plan.

The Office supports the overall intended strategic approach of the draft Plan in terms of settlement hierarchy, allocation of zoning, and policies and objectives to direct and encourage compact growth in key settlements. There is also an appropriate focus for growth on the Key Town of Carlow, balanced with the need to facilitate the growth of the important District Towns of Tullow and Muine Bheag.

The draft Plan includes a strong emphasis on compact growth and infill and regeneration in Carlow Key Town and the District towns in line with national and regional policy. This is also evident in the consolidation of land use zoning objectives for Carlow Key Town. Looking forward, and in the absence of land use zoning objectives for Tullow and Muine Bheag as part of the draft Plan, it will be critical that any zoning objectives in the future Local Area Plans are also consistent with the achievement of National Strategic Objective 1 (NSO 1) Compact Growth.



The Office strongly commends the extensive manner in which lower tiered towns and settlements have been incorporated into the draft Plan, and considers that the approach followed represents best practice. The draft Plan provides specific commentary and policies/objectives on each settlement / settlement type, from Carlow town down to specific rural nodes. This is considered to be a comprehensive approach and provides for a clear framework for each settlement.

The draft Plan sets out an appropriate rural housing policy approach, with an evidenced-based identification of rural areas under urban influence and rural housing qualifying criteria consistent with *Sustainable Rural Housing Guidelines for Planning Authorities* (2005) and with the requirements of the National Policy Objective (NPO)19 of the NPF.

The planning authority is commended, in particular, for carrying out an evidenced-based renewable energy strategy, appended to the draft Plan, and for adopting an integrated approach to addressing climate change mitigation and adaptation through the draft Plan. In addition, the Office welcomes the balanced policy approach to sustainable transport, including the setting of achievable modal share targets for the plan-period as setting targets will facilitate the planning authority in monitoring the successful implementation of the Plan.

The Development Plans Guidelines for Planning Authorities – Draft for Consultation (August 2021) were published shortly before the commencement of the consultation period for the draft Plan. Some new requirements may not therefore be fully reflected in the draft Plan. The accompanying Circular NRUP 04/2021 states:

"Although being issued in Draft format to enable feedback and refinement, it is intended that planning authorities would have regard to the Draft Guidelines, noting that many development plan review processes are currently underway and are at different stages of completion".

In view of Circular NRUP 04/2021, the planning authority will have to consider how best the requirements of *the Development Plans, draft Guidelines for Planning Authorities* (2021) can be incorporated in the Plan, whether in the current process or in a future variation.



The planning authority will also be aware that the Office's evaluation of the Plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change. The identification of appropriate settlement boundaries, the zoning of lands for specific uses (section 10(2)(a) of the Act), and the establishment of guiding policies for smaller towns and settlements are vital tools available to the planning authority in promoting effective integration of land use and transportation policies and addressing the requirements of section 10(2)(n).

It is within this context the submission below sets out 9 recommendations and 5 observations under the following ten themes:

Key theme	Recommendation	Observation
Core strategy and settlement	1	
strategy		
Compact growth, regeneration and	2, 3, 4, 5 and 6	1 and 2
approach to land use zoning		
Housing Strategy and Specialist	7	
Housing		
Rural Housing and regeneration		
Economic development and		3
employment (including retail)		
Sustainable transport and	8	4
accessibility		
Climate action and renewable		
energy		
Flood risk management	9	
Environment, heritage and		
amenities		
Implementation and Monitoring		5



1. Core Strategy and Settlement Strategy

1.1 Housing and Population targets

The Office considers that the total county population projections for the Plan-period in Table 2.7 of the Core Strategy are consistent with the population prescribed for the County in the RSES and the NPF. The planning authority is commended for preparing housing supply target (HST) figures and apportioning these across the county settlement hierarchy. The total housing supply target included in the draft Plan, at 3,107, is generally consistent with the figure determined by the Office.

1.2 Settlement Hierarchy and Distribution of Growth

The Office is also satisfied that the settlement hierarchy is generally appropriate and consistent with national and regional policy.

The Office is also generally satisfied with the distribution of population and housing growth across the settlement hierarchy which seeks to direct the largest part of future housing growth to Carlow town. However, having regard to the infrastructure constraints (wastewater) in Muine Bheag and Leighlinbridge, there may be a requirement to review the allocation of growth to these settlements through the Core Strategy. This issue is addressed in further detail below under 'Tiered Approach to Zoning'. Any redistributed growth from these settlements should be allocated to the Key town of Carlow.

1.3 Core Strategy and zoning for residential use

The Office welcomes the extent of information provided in the Core Strategy tables which includes potential percentage of total housing yield anticipated from infill / brownfield sites. The Office also welcomes the detailing of the quantum of proposed 'Town / Village Centre' lands which can accommodate an element of residential development and the estimated potential yield of those lands across the settlement hierarchy. However, the Core Strategy does not appear to consider the residential yield potential of all lands zoned for residential and a mix of other uses, such as the proposed 'Commercial / Residential' and 'Neighbourhood Facilities / Centre' land use zones.



The planning authority's attention is drawn to the requirement in sections 10(2A)(c) and (d) of the Act for core strategies to include information on the area of land both (a) already zoned, and (b) proposed to be zoned for residential use or a mix of residential and other uses. This is necessary to satisfy legislative requirements and to demonstrate consistency with the *Guidance Note on Core Strategies* (2010).

The newly published *Development Plans, Guidelines for Planning Authorities - Draft for Consultation* (August 2021) also provides clear guidance in terms of ensuring that sufficient housing lands/sites are provided in development plans based the housing unit yield of land zoned for residential and a mix of residential and other uses. This is critical in terms of the ability to plan for the timely delivery of physical and social infrastructure in the right location to serve new housing development and ensuring appropriate housing delivery by housing providers in such locations, ensuring that both homes are delivered and in the form of compact growth.

It is important, therefore, that this calculation is based on density assumptions consistent with the *Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), Guidelines for Planning Authorities* (2009), as further clarified recently by *Circular Letter NRUP 2/2021* to planning authorities. In order to demonstrate that appropriate residential assumptions inform the determination of the quantum of new residential lands, the Core Strategy should also include details of residential density assumptions applied that are consistent with the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009).

Recommendation 1

Recommendation 1 - Core Strategy Table

In accordance with section 10(2A) of the *Planning and Development Act 2000* (as amended), and having regard to the *Guidance Note on Core Strategies* (2010), the planning authority is required to supplement the Core Strategy tables in Chapter 2 of the draft Plan with the following:

(i) in respect of the area in the Plan already zoned for residential use or a mixture of residential and other uses (not just Town / Village Centre lands),



- provide details of the size of the area in hectares, and the proposed number of housing units to be included at settlement level;
- (ii) confirm the density assumptions used to calculate the land area requirements for each neighbourhood area / settlement over the plan period, ensuring that the assumptions are consistent with the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009); and
- (iii) adjust the area of land use zoning as necessary consequential to (i) and (ii), and having regard to section 4.4 'The Core Strategy and Zoning for Residential Land' of the *Draft Development Plans Guidelines for Planning Authorities, Consultation Draft* (August 2021).

Note: Appendix A of the *Draft Development Plans Guidelines for Planning Authorities, Consultation Draft* (August 2021) provides a useful reference and illustrative example of a core strategy table.

2. Compact growth, regeneration and approach to land use zoning

2.1 Land Use Zoning and Compact Growth

The Office welcomes the significant work undertaken by the planning authority in respect of rationalising the land use zoning for settlements in the county, particularly for Carlow town. The approach taken will benefit the planning authority and the future development of settlements by enabling it and other service providers to focus infrastructure provision in a targeted manner that will better facilitate a more rapid development of lands for residential, employment and other uses.

In general, the land use zoning as set out in the land use zoning maps for the various settlements have been found to be logical and consistent with the Core Strategy and the sequential approach to zoning as described in the *Development Plan Guidelines* for *Planning Authorities* (2007), and with the implementation of National Planning Objective 3c (and associated policy objectives under the RSES) and achievement of National Strategic Objective 1 for compact growth.



However, the Office has concerns regarding certain proposed zonings in Leighlinbridge, Hacketstwown, Rathvilly and Palatine, in addition to one zoning in the east of Carlow town, which appear to be inconsistent with the implementation of compact growth. Concerns also arise with the extensive settlement boundaries of some of the 'Larger Service Villages'.

Recommendation 2

Recommendation 2 – Land Use Zoning and Compact Growth

Having regard to NPO 3c for compact growth the planning authority is required to review and reconsider the following proposed land use zoning objectives of Carlow Key Town and the Small Towns, in addition to the settlement boundaries of several Smaller Serviced Towns in order to ensure the achievement of NSO 1 compact growth to:

- (i) 'New Residential' lands (c.1.6ha) north of Browneshill Road and to the west of Link Road, Carlow Town;
- (ii) 'New Residential' lands (c.1.9ha) to the south-east of Rathvilly and adjoining 'Strategic Reserve' (c.2ha);
- (iii) the concentration of all 'New residential' zoning to the south west of Leighlinbridge;
- (iv) the concentration of all 'New Residential' zoning to the southern side of Hackettstown; and
- (v) settlement boundaries for the Smaller Serviced Villages of Ballinkillin, Bennekerry and Old Leighlin, having regard to the housing allocation and anticipated housing yield.

Where the subject zonings/ settlement boundaries cannot be justified on an evidence basis they are required to be omitted.

2.2 Compact Growth and regeneration

The Office welcomes the inclusion of provisions for regeneration / redevelopment opportunities and the identification of intervention areas sites for development. This approach can be expected to support the achievement of compact growth in



accordance with NPO 3c and the regeneration of settlements in line with NPO 6 of the NPF. However, it is not clear from the draft Plan what is intended by 'intervention sites', that is whether proactive interventions are intended by the local authority and what they would entail for each site. Clarity in the next iteration of the Plan in this regard would better support implementation.

The Office welcomes the inclusion in the Core Strategy Table (Table 2.7 – page 37) of the land area per settlement of the proportion of all residential units that can be accommodated on brownfield / infill lands. However, in order to ensure effective implementation of compact growth to achieve the 30% target for all new homes (NPO 3c), the contributing lands should be defined in the Plan, including any regeneration or intervention sites (and perhaps retail opportunity sites having regard to the requirements of the *Retail Planning Guidelines* (2012)). This would assist the planning authority in the implementation and monitoring of compact growth, enabling it to determine whether the target has been met at the end of the plan period.

Observation 1

Observation 1 – Compact Growth and Regeneration

Having regard to the NPO 3c and NPO 6 of the NPF, the planning authority is advised to:

- (i) define on map in its settlement plans those areas that will contribute to meeting the minimum compact growth target of 30%, in addition to any proposed regeneration areas, 'intervention areas' and also retail opportunity sites; or
- (ii) clarify whether proactive interventions are intended by the local authority for the identified 'intervention sites' and, if so, to detail in the Plan what interventions are proposed and the timeline for implementation of same.

Note: Appendix A of the *Development Plans Guidelines for Planning Authorities,*Consultation Draft (August 2021) provides a useful reference in Settlement

Consolidation Site Maps and Settlement Capacity Audits.



2.3 Tiered Approach to Zoning and Infrastructure Assessment

The Office welcomes the inclusion of a detailed Infrastructure Assessment as part of the draft Plan, as required under NPO 72a. The assessment is considered to be generally consistent with the approach set out under Appendix 3 of the NPF, except that it appears to only consider residential lands and does not include "a reasonable estimate of the full cost of delivery of the required infrastructure to the identified zoned lands".

Although an associated map of the sites does not appear to have been included, given the limited number of sites concerned for most settlements and the fact that for most settlements the lands are all defined as either Tier 1 or Tier 2, it is not considered critical in this instance. However, it may be appropriate to include mapping where non-residential zoned lands are included in the TAZ in response to this submission.

However, the Office notes that several settlements in the county have significant capacity constraints in terms of wastewater treatment. In particular, information from Irish Water would indicate Muine Bheag and Leighlinbridge currently have no wastewater treatment capacity. The existing waste water treatment plant (WWTP) is currently operating in excess of its capacity and discharges into the River Barrow and River Nore SAC (site code 002162), designated for (among other species and habitats) the Freshwater Pearl Mussel.

Although section 6.2 of the draft Plan notes proposed improvements and upgrade works for the Muine bheag / Leighlinbridge WWTP, the extent of and timeline for this upgrade is unclear and this is likely to impact on the development potential of proposed zoned lands. Having regard to the provisions of the NPO 72c that lands that cannot be serviced within the life of the Plan should not be zoned for development, and the obligations on Carlow County Council as a Competent Authority in implementing the requirements of the Habitats Directive, it will be necessary for the planning authority to satisfy itself that such significant capacity constraints can be resolved during the Plan-period.



Close consultation with Irish Water and other relevant prescribed authorities is strongly advised.

Recommendation 3

Recommendation 3 – Infrastructure Constraints: Muine Bheag and Leighlinbridge

Having regard to NPO 72c of the NPF which provides that land that cannot be serviced within the life of the plan should not be zoned for development, the planning authority is required to review the wasterwater infrastructure capacity for Muine Bheag and Leighlinbridge. The outcome of this review may require a more detailed policy framework in the draft Plan in relation to development of these settlements, including appropriate objectives for the phasing of development in line with Irish Water's anticipated timeline for upgrade works. If these constraints cannot be resolved within the lifetime of the Plan affected lands should not be zoned for development in the plan period, and the planning authority will be required to revisit its Core Strategy and Settlement Strategy.

Observation 2

Observation 2 – Tiered Approach to Zoning Infrastructure Assessment

Having regard to the detailed requirements of NPO 3c, NPO 72a (and Appendix 3), NPO 72b and NPO 72c of the NPF, concerning the Tiered Approach to Zoning, the planning authority is requested to review the Infrastructure Assessment (Appendix X to the draft Plan) to:

- (i) assess all lands which are being considered for land use zoning for development, not just residential;
- (ii) include a reasonable estimate of the full cost of delivery of the specified services for each site identified as Tier 2 land in order to inform the land use zoning proposals; and
- (iii) consider including a map to clearly differentiate between Tier 1 and Tier 2 zoned lands in relevant settlements.



Note: The Development Plans, Guidelines for Planning Authorities – Draft for Consultation (August 2021) provides a useful reference in the Settlement Capacity Audit approach, which would be appropriate to consider in your response to this submission.

2.4 Land use zoning objectives - Tullow and Muine Bheag Zoning

The draft Plan includes land use zoning objectives and maps for all its main settlements except Tullow and Muine Bheag, which are subject of Local Area Plans.

The Core Strategy (Table 2.7) would suggest that these two settlements will require amendments to the land use zoning objectives and associated maps in order to be consistent with the objectives of the Plan.

The planning authority will be aware of the requirements of section 18(4)(b) and section 19(2B) of the Act where a local area plan is no longer consistent with the objectives of a development plan for the area. While it is preferable that zoning objectives for settlements are included within the county development plan, the Development Plan should at a minimum identify on a land use map certain key objectives in order to demonstrate that the plan provides a sustainable settlement and transportation strategy and to provide an appropriate framework for the forthcoming LAP that is consistent with the development plan. This is particularly the case where it is clear that the LAP which is currently in place will no longer be consistent with higher tiered policy, in the form of the new development plan, when adopted, in terms of the quantum of zoned land.

Recommendation 4

Recommendation 4 – Update to Zoning Maps for Tullow and Muine Beag

Having regard to the provisions of sections 18(4)(b) and 19(2B) of the *Planning* and *Development Act 2000* (as amended), which require the planning authority to amend or replace the local area plans for Tullow and Muine Beag within one year of the making of the development plan, the planning authority is required at a minimum to identify the compact growth area, key regeneration sites, significant



constraints such as flooding, sustainable mobility objectives and relevant key future priorities for these in order to ensure greater consistency with the draft Plan, the principles of compact growth, and to clearly set out how the objectives in section 10(2) of the *Planning and Development Act 2000* (as amended) are to be achieved in the interim pending the adoption of Local Area Plans for these settlements.

2.5 Standards and Guidelines

The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual and Circular NRUP 02/2021, outline recommendations regarding appropriate densities for different contexts based on site factors and the level of access to services and facilities, including transport.

It is considered by the Office that the indicative density figures provided at Table 3.3 (Chapter 3 - page 55) of the draft Plan are not fully consistent with the requirements of the Guidelines. In particular, the density cap of 30 units per hectare in town centre locations and edge of centre locations in Tullow and Muine Bheag could unnecessarily prohibit well deigned development at appropriate locations, and is not be fully consistent with *Sustainable Residential Development in Urban Areas' Guidelines* (2009).

In addition, a general review of Table 3.3 to ensure full consistency with the Guidelines should be carried out.

Recommendation 5

Recommendation 5 – Density Standards

Having regard to the *Sustainable Residential Development in Urban Areas' Guidelines* (2009), the planning authority is required to generally review the density provisions at Table 3.3 (Chapter 3 – page 55) of the draft Plan to ensure consistency with density targets and allowances in the Guidelines and specifically makes reference to same. In particular, the planning authority is required to



remove caps of 30 units net per hectare in town centre and edge of centre locations in Muine Bheag and Tullow to allow for the potential for higher density developments where appropriate and at suitable locations in these settlements.

The development management standards are consistent with compact growth (NPO13) and the Urban Development and Building Height Guidelines (UD) (BHG) (2018) in terms of building height. Flexibility in relation to building height is provided for within Chapter 16 and Section 16.8.3 (Buildings of Increased Height).

Chapter 16 sets out the development standards and criteria that will be applied, as relevant, in the assessment of planning applications within the Carlow County Council administrative area. Overall, the standards are consistent with the guidelines for *Sustainable Urban Housing: Design Standards for New Apartments* (2020).

However, it is noted that the draft Plan refers to the 2018 version of the *Design Standards for New Apartments* which has now been superseded (*Sustainable Urban Housing: Design Standards for New Apartments* (2020)) and the planning authority is invited to correct this reference.

2.6 Active Land Management

RPO 10 of the RSES supports the use of active land management as a means of promoting and achieving compact growth. RPO 34 refers to the role of active land management in brownfield, regeneration and infill development. RPO 37 requires that:

"Local Authorities shall undertake Active Land Management (including use of CPO Powers) of housing land requirements, in order to manage the supply of land for residential development and ensure suitable zoning is in place to achieve compact, smart, sustainable growth targets within existing urban footprints".

Section 2.23.2 (Chapter 2) of the draft Plan relates to 'Active Land Management'. The Office welcomes Policy CS.04 which includes a clear objective to implement the active land management approach under the development plan. The active land



management strategy does not, however appear to include clear objectives for the implementation of the vacant sites register and levy, and the provisions of the *Derelict Sites Act 1990.* These are key elements of an effective active land management strategy and may be critical to bringing forward important regeneration site. Objectives committing to the implementation of these provisions should therefore be included in the Plan.

It will be critical for the implementation of urban regeneration that the Plan is clear in terms of its active land management approach, as such sites will, generally, be far more challenging to implement than undeveloped greenfield sites. Implementation and monitoring of the implementation of the Plan are important tools for a planning authority to ensure that the objectives of the Plan are met during the plan-period. Accordingly, it would be appropriate to set clear timelines and measurable targets (perhaps by settlement at the upper levels) against which the effectiveness of implementation of the active land management approach can be monitored and measured.

Recommendation 6

Recommendation 6 – Active Land Management

Having regard to NSO 1 of the NPF, and RPO 10, RPO 34 and RPO 37 under the RSES, and the significant challenge for planning authorities in implementing compact growth and the regeneration of towns and villages, the planning authority is required to amend the draft Plan to include:

- appropriate objectives under section 2.23.2 committing to the implementation of the Vacant Sites Register, the Vacant Sites Levy and the provisions of the Derelict Sites Act 1990 (as amended); and
- (ii) as part of an overall implementation and monitoring approach in the Plan, measurable targets and appropriate timelines for the implementation of an Active Land Management strategy.



3. Housing Strategy and Specialist Housing

The Office considers that the general approach and guidance in relation to housing strategy is generally consistent with the NPF and RSES. There are however a number of specific areas that are required to be addressed.

3.1 Social, Affordable and Cost Rental Housing

Part 6 of the *Affordable Housing Act 2021*, which was enacted on 21 July 2021, increases the Part V contribution for new housing developments from up to 10% for social housing to a mandatory 20% requirement, at least half of which must be applied to social housing provision and up to half of which may be applied to affordable and cost rental housing. The Plan should be updated to reflect these requirements and other requirements of the now enacted legislation

3.2 Traveller Accommodation

Section 3.14 (Chapter 3) relates to Traveller accommodation and policies and objectives in this section and generally well considered. The land use zoning maps do not appear to indicate the location of lands to provide for such accommodation, as required under section 10(2)(i) of the Act.

Recommendation 7

Recommendation 7 - Traveller Accommodation

Having regard to the requirements of section 10(2)(i) of the *Planning and Development Act 2000* (as amended), the planning authority is required to identify in the Plan the use of particular areas for traveller accommodation.

This will include the identification of specific locations in the land use zoning maps for the county.

4. Rural housing and regeneration

The Office welcomes the approach to accommodating rural housing in the draft Plan, which is consider generally consistent with the *Sustainable Rural Housing Guidelines* for Planning Authorities (2005) and with NPO 19 of the NPF. It is noted however that the policy for infill housing under s.3.16.9 of the draft Plan (RP P11) which would



appear inconsistent with the Guidelines on ribbon development. It would be appropriate for the policy to be cross-referenced with the policy on ribbon development (RH P10) to ensure that haphazard, continuous ribbon development is avoided through the development management process.

5. Economic Development and Employment

Economic development is addressed at Section 2.17 of the Core Strategy (Chapter 2). Enterprise and Employment is addressed in more detail at Chapter 4 of the draft Plan.

The Office supports the overarching strategy for enterprise and employment in the draft Plan which seeks to increase opportunities for access to high quality, sustainable employment for residents while seeking to enhance the attractiveness of the county as a high-quality place to live, work and visit. The inclusion of policies and objectives on placemaking and sustainable design in an enterprise and employment context is particularly welcomed.

5.1 Retail

The Office welcomes the planning authority's undertaking of a Retail Strategy to inform the draft Plan, including the provisions of health checks for the main settlements, and policies and actions and assessment criteria for retail. Overall, the Office is satisfied that the evidence-based approach of the planning authority is generally consistent with the requirements of the *Retail Planning Guidelines for Planning Authorities* (2012).

The Office would, however, question the extent of the core shopping area defined for Carlow town, which encompasses a substantial area extending over the majority of the extensive town centre land use zone. A more concise definition of the core shopping area would enable the planning authority to better manage, protect and enhance the retail offer and vitality of the main shopping areas of the town.

With the majority of non-bulky comparison floorspace and a strong proportion of convenience floorspace directed to Carlow town, the distribution of future retail floorspace is considered to be in line with the County Carlow Core Strategy and identified retail hierarchy as set out in the Retail Strategy.



However, although the Retail Strategy found there to be no demand for additional bulky comparison floorspace, Section 4.7.3 (Chapter 4) of the draft Plan considers that "this should not preclude bulky comparison floorspace (i.e. retail warehousing) in instances where it can be can demonstrated that there will be a contribution to town centre vitality and viability due to its location, quality, accessibility and retail offer . . . ".

The Office considers that the above general allowance for bulky comparison floorspace is too open-ended and has the potential to allow for significant additional bulky goods floorspace, inconsistent with Section 3.3 of the *Retail Planning Guidelines 2012*.

The Office also notes that the core shopping areas and retail opportunity sites have been identified in the Retail Strategy, but that these have not been included on, or in tandem with the land use zoning maps for the settlements. It would assist the implementation of the Strategy to include such key matters as part of main land use zoning maps or as additional maps within the settlement plans in Chapter 15 of the draft Plan.

Observation 3

Observation 3 - Bulky Goods Retail Floorspace

Having regard to the requirements of the *Retail Planning Guidelines* (2012) the planning authority is requested to:

- (i) review the core shopping area defined for Carlow with a view to ensuring that the vitality and viability of the principle shopping streets are maintained and improved:
- (ii) reconsider the general allowance for additional bulky goods floorspace under section 4.7.3 of the draft Plan, to ensure consistency with the findings of the Retail Strategy, including appropriate limits, restrictions or other such policy objective requirements; and
- (iii) identify the core shopping areas and define the retail opportunity sites for the main settlements in map form under the settlement plans in Chapter 15 of the draft Plan.



5. Sustainable Transport and Accessibility

Section 10(2)(n) of the Act requires, in summary, a development plan to include objectives for the promotion of sustainable settlement and transportation strategies in urban and rural areas having regard to location, layout and design of new development.

National Strategic Outcome 4 of the National Planning Framework relates to sustainable mobility and requires, the expansion of attractive public transport alternatives to car transport to reduce congestion and emissions and enable the transport sector to cater for the demands associated with longer-term population and employment growth in a sustainable manner.

The provision of a well-functioning, integrated public transport system, enhancing competitiveness, sustaining economic progress and enabling sustainable mobility choices for citizens, supports the overall Framework objectives.

The planning authority's policy approach to sustainable travel and transportation is focused on the aim to improve the effectiveness of the County's road network and provide more sustainable modes of travel, in an integrated land use and transportation framework, while moving towards a lower carbon based future.

Chapter 5 is predominantly strategic and interlinked with a number of chapters in the draft Plan, with some references to specific polices, objectives and projects, and therefore should be read in the context of the draft Plan as a whole.

In an overall sense, the planning authority's approach to sustainable transport and accessibility is welcomed.

The planning authority's modal shift aspiration is summarised and outlined in policy MS.P1. This policy is supplemented by objective MS.01, that supports 'a modal shift from private vehicles to access work / school / college from circa 23% (2016) to 28% (2028)'. The figure of '23%' at 2016 should have originated from Table 5.1 'Modes of Travel to Work, School and College 2016', but has not been clearly calculated or identified in the table or in the commentary under the table.



The further measures set out below will provide greater focus and clarity for the planperiod, and ensure that the policy framework is better placed to comply with section 10(2)(n).

Recommendation 8

Recommendation 8 - Evidenced Based Model Share

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n) of the *Planning and Development Act 2000* (as amended), the planning authority is required, in consultation with the National Transport Authority (and Transport Infrastructure Ireland), as appropriate, to include in the Plan:

- existing baseline figures for modal share for the overall county and modal share targets for the plan period. It is recommended that this could be provided for at key and district town status and at aggregate level for the rural areas, as identified in the Core Strategy; and
- (ii) an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and the modal share targets in particular.

The RSES supports investment in a sustainable transport system for Carlow Town through a local transport plan. Public transport objective PT.01 sets out the planning authority's intention to prepare a local transport plan for Carlow Town in accordance with the Area Based Transport Assessment Guidelines (by the NTA and TII) and having regard to RPO 157 of the RSES for the Southern Region. The policies, objectives and measures which emerge from the LTP will inform the Joint Urban Area Plan for the Greater Carlow Urban Area.

Given the critical need to integrate land use planning and transport planning, as part of forward planning and the development management process the Office would urge the planning authority to prioritise the preparation of the LTP and JUAP.



The Office supports the draft Plan's inclusion of maximum car parking standards and minimum bicycle parking standards. However provision should also be made for consideration of car free developments based on appropriate criteria. While Section 16.10.11 (Car Parking) states that "reduced car parking provision may be considered for commercial town centre sites in accordance with Section 5.14", it is not considered that the standards have been provided with sufficient flexibility based on performance criteria dependent on location as required by NPO 13.

Observation 4

Observation 4 – Car Parking Standards

To ensure consistency with NPO13, the planning authority is requested to provide additional flexibility in car parking standards for development (including residential) in urban areas based on performance criteria in order to achieve targeted growth.

6. Climate Action and Renewable Energy

It is noted and welcomed by the Office that the *Carlow County Renewable Energy*Strategy 2021 has been prepared in accordance with the Sustainable Energy

Authority of Ireland's (SEAI) Methodology for Local Authority Renewable Energy

Strategies (2013), on behalf of the planning authority and in support of the draft Plan.

The Office also notes that a pre-existing Carlow Climate Change Adaptation Strategy

2019 – 2024 is referenced, and that an objective (CA O3) has been included with the effect of adopting the Strategy.

The Office acknowledges and commends the planning authority in adopting an integrated approach to addressing climate change mitigation and adaptation. Climate change and renewable energy are broad, cross-cutting subjects, which should be integrated into the various other topics of a development plan. Usefully, Table 7.2 of the chapter (Chapter 7 - pp. 179 – 184) provides an overview of how and where climate change mitigation and adaptation have been addressed in the other chapters of the draft Plan.

However, in view of requirements of SPPR 1 of the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and Wind*



Energy Development Guidelines 2006 – Update on Review (July 2017), the Office is concerned that the Renewable Energy Strategy 2021 and draft Plan do not take due account of the Climate Action Plan 2019's targets for an additional 4GW onshore wind energy and 1.5GW solar within the state by 2030. These targets should inform the targets for renewable included in the Plan.

The Office welcomes the inclusion of a total renewable energy target of 130MW for the county by 2030 under RE O1 of the draft Plan, which is considered a proportionate response to the *Climate Action Plan* targets. The planning authority may consider the inclusion of targets for individual classes of renewable energy, in order to further assist in implementation of renewable energy projects.

Policy WE P4 of the draft Plan, which restricts consideration of wind farm development in Upland Areas, refers to Figure 6 of the Carlow Landscape Character Assessment (Appendix VII of the draft Plan). There is no Figure 6 in that Appendix and the policy would appear to relate to Figure 6.4, a similar map to Figure 7.8 contained in Chapter 7. The planning authority should resolve this error and consider referencing an appropriate map within the chapter for ease of access.

6. Flood Risk Management

The planning authority welcomes the inclusion of a detailed, systematic and comprehensive Strategic Flood Risk Assessment (SFRA), including the carrying out of the Justification Test, which been carried out in accordance with the requirements of *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (DEHLG and OPW, 2009) (FRMGs) and *Circular PL2/2014*.

In particular, the Office commends the planning authority for identifying under point 3 of each Justification Test the "non-structural flood risk management measures required prior to future development in such areas in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased or, if practicable, will be reduced" as required under Circular PL2/2014. However these non-structural or policy measures do not appear to have not been carried into the draft Plan or appropriately cross-referenced. This is necessary to ensure effective management of flood risk during the development management process. Given the



technical nature of the SFRA and Justification Test, the Office would suggest that the concise non-structural flood risk management measures should be included in Chapter 15 of the draft Plan relating to each respective settlement.

Chapter 6 of the draft Plan includes a range of policies (Section 6.10.3) and objectives (Section 6.10.4) relating to flood risk management, the protection and enhancement of floodplains and requiring the application of the sequential approach and the Justification Test and the implementation of the *Flood Risk Management Guidelines* (2009). In addition, flood risk areas are identified on zoning and objectives maps for the settlements, although the demarcation of these areas should be made much clearer in the Plan.

However, the proposed land use zones, some of which are classified as highly vulnerable development in the Guidelines are shown within Flood Zones A and B in the settlement zoning maps without the Plan Making Justification Test having been applied. These include Community and Education lands at Ballon, Existing Residential and Enterprise and Employment lands at Borris, Community and Educational lands and Tourism Lands at Leighlinbridge. Highly vulnerable development is not appropriate in Flood Zone A or B, and less vulnerable development is not appropriate in Flood Zone A unless a Plan-making Justification Test, completed by the local authority, can be satisfied.

The Guidelines provide that the Justification Test can only be applied for lands located "within or adjoining the core of an established or designated urban settlement". The application of the test to peripheral, undeveloped lands within the flood risk zone to the northeast of Carlow Town, which are proposed zoning for Enterprise and Employment, is inconsistent with the Guidelines and therefore any proposed zoning within the flood risk zone A and B should be omitted.

It is also considered that policy FR P3 needs to be strengthened by highlighting that development in areas at risk of flooding should be avoided in the first instance. It would be appropriate, also, for the Flood Risk categories to be referred to in the Plan for avoidance of doubt and specific referenced in policies and objectives.



Recommendation 9

Recommendation 9 – Flood Risk in New Developments

Having regard to detailed requirements of the *Planning System and Flood Risk Management – Guidelines for Planning Authorities* (DEHLG and OPW, 2009) and clarifying *Circular PL2/2014*, the planning authority is required to:

- (i) omit the proposed Enterprise and Employment within the flood risk zone to the northeast of Carlow Town as the plan-making justification test cannot be applied;
- (ii) carry out the plan-making justification test for Community and Education lands at Ballon, Existing Residential and Enterprise and Employment lands at Borris, Community and Educational lands and Tourism Lands at Leighlinbridge. Any lands which do not pass the Justification Test should not be zoned for highly vulnerable (Flood Zones A and B) or less vulnerable Flood Zone A) development;
- (iii) include the non-structural (and structural, if applicable) flood risk management measures from point 3 of the Justification Test under the SFRA for each relevant settlement in Chapter 15 of the draft Plan; and
- (iv) improve the clarity of the flood risk zones in the final Plan maps.

7. Environment, Heritage and Amenity

The Office acknowledges the comprehensive and systematic approach taken by the planning authority in address the wide range of issues relevant to the protection, preservation and improvement of environmental and built heritage and amenities.

7.1 Rights of Way

Section 10(2)(o) of the Act requires, in summary, a Development Plan to include objectives for the preservation of public rights of way.

The Office welcomes the inclusion of Section 11.14 (Chapter 11) of the draft Plan which includes mapping and listing of designated Public Rights of Way. This section also includes appropriate written polices for the protection and enhancement of Public Rights of Way.



7.2 Environmental Assessments

The Office notes that the environmental report (SEA) concludes that no significant residual adverse impacts are identified in the SEA taking into account the detailed mitigation which has been integrated into the draft Plan. The SEA is considered to be comprehensive and generally consistent with the requirements of the section 28 guidelines.

The Natura Impact Report (NIR) concludes that, "the Draft Carlow County Development Plan 2022-2028 is not foreseen to give rise to any adverse effects on the integrity of European Sites, alone or in combination with other plans or projects". The Office notes that the AA process is ongoing and will inform and be concluded at adoption of the Plan.

8. Implementation and Monitoring

The draft Plan does not contain any specific information on implementation and monitoring. Although there is no specific requirement for monitoring of implementation under the *Development Plan Guidelines for Planning Authorities* (2007), monitoring is addressed in detail in Chapter 10 of the *Development Plans Guidelines for Planning Authorities – Draft for Consultation* (August 2021).

To better assist the planning authority in implementing the Plan in line with the obligation on the authority to takes such steps necessary to secure the objectives of the Plan, and to facilitate the progress review of the Plan required under section 15(2) of the Act, the planning authority should include appropriate implementation monitoring measures as part of the final Plan. In this regard the Office considers the approach of the Dun Laoghaire-Rathdown draft Plan to be an example of good practice.

Observation 5

Observation 5 – Implementation and Monitoring

Having regard to the duty and function of the planning authority under section 15(1) and 15(2) of the *Planning and Development Act 2000* (as amended), the planning authority is advised to provide for Plan implementation monitoring as part of the Plan.



Note: Chapter 10 of the Development Plans Guidelines for Planning Authorities – Draft for Consultation (August 2021) provides useful guidance in this regard.

Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, 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.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority 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