



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

15th October 2021

Draft Tipperary County Development Plan,
Planning Policy and Projects Unit,
Tipperary County Council,
Civic Offices,
Nenagh and Clonmel,
Co. Tipperary,
E45A099 / E91N512.

Re: Draft Tipperary County Development Plan 2022 - 2028

A chara,

Thank you for your authority's work in preparing the draft Tipperary 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. In particular, the Office recognises the challenge of preparing the first single development plan for County Tipperary and commends the planning authority on their approach given the breadth of matters to be addressed. The Office notes the high standard of presentation and layout of the draft Plan and supporting documents which provide a clear and concise strategy for the proper planning and sustainable development of the County.

Further, the Office acknowledges the extensive public engagement activities undertaken by the planning authority which included webinars and videos to engage the public, whilst the specific initiatives used to engage young people in the pre-draft consultation process are commendable.

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.

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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. Through your work on the projects that have achieved funding through the Urban Regeneration Development Fund (Clonmel, Nenagh and Thurles) and Rural Regeneration Development Fund (Carrick on Suir, Tipperary and Templemore) your authority has provided an excellent example of how the objectives in the NPF such as compact growth, sustainable mobility, transition to a low carbon society, and enhanced amenities and heritage can be implemented.

The Office commends the planning authority for the innovative publication of the design guidelines for cluster housing in rural villages. The Office welcomes the

emphasis on Town Centres and Place making (Chapter 7) and the overall approach to sustainable transport (Chapter 12), supported by development management standards (Volume 3), which generally provide a sustainable transport strategy for the county.

Furthermore, it is noted that the provision of concise policies, land use maps and identification of opportunity sites within the county's smaller towns and rural villages demonstrates the planning authority's commitment to strengthening rural economies and communities.

The Office has, however, identified a number of areas which require further consideration in order to more fully align the development framework of the county with the current national and regional policy context. In this regard, 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 the settlements, facilitating active and sustainable transport modes. In particular, the population and housing targets in the draft Plan require a review to ensure they are provided for the plan-period and that they demonstrate that the Plan is targeting a more sustainable level of growth for the smaller towns consistent with National Policy Objective (NPO 9).

The Office also considers that the Water Supply Project to the Eastern and Midland Region should be supported by the draft Plan given the significance of this project to deliver a long-term sustainable resilient water supply source for the region, and its importance at national, regional and local level.

In respect of economic development, stronger alignment of the objectives in the draft Plan with the RSES is required, particularly with regard to the National Bio-Economy campus at Lisheen (RPO 59) and the critical role that the key towns have in underpinning the economic growth of the county. Further, the application of the section 28 *Flood Risk Guidelines* within the draft Plan and the land use zoning maps require review.

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 aforementioned *Development Plans Guidelines for Planning Authorities – Draft for Consultation* (August 2021) can be incorporated into 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) of the Act to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change.

It is within this context the submission below sets out 12 recommendations and 7-observations under the following 10 themes:

Key theme	Recommendation	Observation
Core strategy and settlement strategy	1, 2, 3, 4 and 5	1
Compact growth, regeneration and approach to land use zoning	6 and 7	2
Rural housing and regeneration	-	3
Economic development and employment (including retail)	8	-
Sustainable transport and accessibility	9	4
Strategic Water Infrastructure	10	-
Climate action and renewable energy	11 and 12	5



Environment, heritage and amenities	-	6
Implementation and Monitoring	-	7
General and procedural matters	-	-

1. Core Strategy and Settlement Strategy

1.1 Housing and Population targets

The Office considers that the total county population projections for the 2031 in Table 2.4 of the Core Strategy (p.25) are consistent with the population prescribed for the County in the RSES and the NPF.

The planning authority is also commended for preparing housing supply target (HST) figures and apportioning these across the county settlement hierarchy.

Notwithstanding, Core Strategy Table 2.4 (p.25) sets out the population and housing projections up to 2031 instead of for the plan period 2022-2028. As such, the planning authority is required to review its HST figures and make the necessary adjustments to the figures in the core strategy tables, and clearly set out the housing supply targets for the plan period.

Further, Table 2.4 (p.25) sets out the quantum of zoned land required to accommodate the additional growth in hectares but fails to set out the extent of existing lands zoned for residential and mixed use where residential use is permitted for in each of the settlements as required to be included in the core strategy under section 10(2A)(c) of the Act.

The Office welcomes the inclusion of land use zoning maps for twelve of the 'rural service centres', however the projected population and housing targets for these settlements are not provided within Table 2.4 (p.25). The development plan core strategy requirements set out in section 10(2A)(c) and (d) of the Act should be applied to all individual settlements where lands are zoned for residential purposes or a mixture of residential and other uses including settlements with a population of under 1,500 persons.



Recommendation 1

Recommendation 1 – Core Strategy Table

Having regard to the section 28 *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities (2020)* and sections 10 (2A) (a), (c) & (d) 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 revise the Core Strategy Table 2.4 (p.25) to:

- (i) provide population projections and housing supply target (HST) figures calculated in accordance with the methodology for the **plan period**, and review the allocations for settlements over the plan-period in line with the overall HST for the county;
- (ii) include the area (ha) and potential housing yield of both residential zoned lands and other lands zoned for a mixture of residential and others uses, as required by section 10(2A)(c) and (d) of the Act for all settlements which include residential and mixed use development land which has the potential to deliver residential development; and
- (iii) include the details as required by (i) and (ii) above for all settlements that include zoned land at a tier level for other settlements, and the rural countryside.

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

1.2 Settlement Strategy

The settlement hierarchy set out in the draft Plan is considered consistent with the framework as set out by the NPF and the RSES. As such, the Office has no concerns in respect of these settlement tiers within the settlement hierarchy. The settlement hierarchy would, however, benefit from greater distinction between the urban and rural service centres. The typology set out should be revised to ensure greater consistency with the approach advocated in section 4.5.1 of the *Development*

Plans, Guidelines for Planning Authorities – Draft for Consultation (August 2021), which would avoid confusion with regard to the use of three types of ‘services centres’ in the hierarchy.

Observation 1

Observation 1 – Settlement Typology

The planning authority is requested to revisit the settlement typology identified in the draft Plan with respect to the use of ‘service centres’ for both urban and rural areas. In this regard the planning authority is advised to consider the terminology used in section 4.5.1 of *the Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021), which suggest that ‘key towns’, ‘medium towns’, ‘small towns’ and ‘rural area settlements’ be used to describe the different levels. The planning authority should also differentiate between serviced and unserved rural settlements.

1.3 Distribution of Population Growth & Housing

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

However, while it is acknowledged that Tipperary 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. The scale of population growth and housing distribution to the four ‘rural settlement’ tiers (56%) which includes the countryside¹ has the potential to divert unsustainable levels of housing to small rural settlements, some of which lack the services such as wastewater treatment, and as such, undermine national and regional policy objectives to

¹ Rural Housing



revitalise and regenerate larger settlements where services are available (NPO's 6, 18 (a) and RPO 26).

In this context the Office considers there is greater scope to direct population growth to the tier 2 district towns and tier 3 service centres, thereby distributing growth more sustainably across the county settlement hierarchy. This would give greater effect to the Plan's stated core strategy strategic objectives for compact growth and rejuvenation of towns and villages, while also improving alignment and consistency with national and regional policy.

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

- The tier 2 (six district towns) and tier 3 (three urban service centres) have collectively been allocated only 18% of the overall HST for the county to 2031 even though they comprised 20% of the county's total overall population in 2016.
- The housing allocation to tier 4 (rural service centres) is greater than to the tier 2 (district towns) and tier 3 (urban service centres) combined.
- The infrastructure capacity for the 48 settlement nodes is extremely limited and the majority (40) of them are unserviced².
- The core strategy provides for a population increase of 8,000 persons across tiers 4-6 which is almost double what is provided for in tiers 2 and 3 combined.
- The inclusion of 114 rural settlements within the four rural tiers does not reflect the distinction between established village settlements and small clusters or groups of houses which, although important at a local or community level, is inconsistent with the approach and guidance for development plans contained in Section 3.6 – Towns & Villages and RPO 26 of the RSES.

² Volume 2 of the plan indicates that only 4 of the settlement nodes included have existing waste water treatment systems and any development taking place in the remaining 44 would require private waste water treatment systems to be installed.

The designation of such a large number of very small settlements undermines the objectives set out elsewhere in the draft Plan and the Core Strategy to redirect growth to the upper tier settlements to achieve compact growth (consistent with NPO 3), sustainable development of rural areas (NPO 15), and targeting the reversal of rural decline in small towns and villages (NPO 16).

Recommendation 2

Recommendation 2 - Housing Target Distribution

Having regard to National Policy Objectives (NPOs 6, 7, 15, 16) and Regional Policy Objectives (RPOs 3, 26 (a) & (d)) and the draft Plan's core strategy objectives SO-2 and SO-3, the planning authority is required to revisit, in an evidence-based approach, the distribution of future population growth and housing targets (having regard to Recommendation 1) across the county settlement hierarchy for the plan-period to achieve a more sustainable distribution of growth focused on towns and serviced villages consistent with national and regional policy. In particular, the planning authority is required to:

- (i) increase the proportion of the Core Strategy's population/housing allocation for the tier 2 and 3 settlements consistent with their designation as District Towns and Urban Service Centres and anticipated role in the settlement hierarchy;
- (ii) reduce the population/housing allocation provided to tiers 4, 5 and 6 over the plan-period and direct increased housing allocation to the tier 2 and 3 settlements to ensure more consistency with principle objectives of the NPF NPO's 6, 18(a) and RSES RPO 26 to achieve a greater proportion of compact growth that would avail of existing infrastructure investment in services; and
- (iii) review and reduce the number of settlements within the Rural Settlement tiers, in particular the number and type of settlements included as local service centres and settlement nodes, having regard to NPO 15 and the range of social, community and retail services, as well as capacities in service infrastructure such as footpaths, cycle lanes and public transport



available to ensure that the growth targets are proportionate and will assist in sustaining and regenerating these settlements.

1.4 Core Strategy & Zoning for Residential Use

The newly published *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021) provide clear guidance in terms of ensuring that sufficient housing lands/sites are provided in development plans based on 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 to support compact and sequential growth.

It is important, therefore, that the requirements for zoned land are 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 this regard, the Office notes that the draft Plan does not specify the residential density assumptions which inform the zoning requirements in the Core Strategy. This matter is discussed further under Section 2.

Recommendation 3

Recommendation 3 - Core Strategy and Zoning for Residential Use

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) 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

- (ii) adjust the zoned land required in Table 2.4 (p.25) and the area of land use zoning as necessary consequential to (i) above, in addition to Recommendations 1 and 2, and having regard to section 4.4 'The Core Strategy and Zoning for Residential Land' of the *Development Plans Guidelines for Planning Authorities, Draft for Consultation* (August 2021).

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

1.5 Development Approach for Settlements

While the Office appreciates the significant resource requirements involved in the preparation of land use zoning objectives for various relevant locations, the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021) advise that land-use zoning should principally be undertaken as part of the development plan process due to the practical advantages to aligning the core strategy, settlement strategy and principal residential zoning functions in a single, integrated development plan process.

County Tipperary has a high number of outdated Town Development Plans and Local Area Plans (LAPs) which include the zoning objectives for the larger settlements. As such, the draft Plan does not include zoning objectives for the tier 1 or tier 2 settlements which currently have Town Development Plans or Local Area Plans that pre-date³ both the NPF and the RSES and are not, therefore, based on the current national and regional policy frameworks.

Furthermore, it is not clear from the Core Strategy Table 2.4 (p.25) if there is sufficient or surplus zoned lands in these settlements to cater for the housing target allocations, and as such if the land use zoning objectives contained in the Town

³ Except for the Cahir Local Area Plan 2021 - 2027

Development Plans or LAPs conflict with the provisions of the Core Strategy under the draft Plan. Planning Objective 4-A of the draft Plan indicates that a review of the town development plans and local area plans as required will take place, but no timeline is provided.

In view of the provisions of section 19(2B) of the Act⁴, the preparation of LAPs for all of these settlements will present a very significant challenge for the planning authority. The planning authority should therefore consider including relevant policy objectives for some or all of the settlements concerned in the draft Plan. It is also considered that this should be supported by a policy objective which states that the preparation of the LAPs will be informed by a Local Transport Plan (LTP) for the Key Towns and a LTP or Area Based Transport Assessment for the District Towns.

Recommendation 4

Recommendation 4 - Land Use Zoning and Local Area Plans

Having regard to the provisions of sections 18(4)(b) and 19(2B) of the *Planning and Development Act 2000* (as amended), which will require the planning authority to amend or replace the local area plans or town development plans for Clonmel, Nenagh, Thurles, Carrick on Suir, Roscrea, Tipperary Town, Cashel and Templemore within one year of the making of the development plan, the planning authority is required to clearly set out how the objectives in Section 10(2) of the *Planning & Development Act 2000* (as amended), are to be achieved in the interim and pending the adoption of local area plans for these settlements.

At a minimum the planning authority is required to;

- (i) prepare maps with supporting policy objectives, identifying strategic objectives for each town consistent with sections 3.4, 3.8 and 3.9 of the *Regional Spatial and Economic Strategy*, including settlement boundary, compact growth area (CSO boundary if relevant), key sustainable mobility

⁴ Section 19(2B) provides that where an LAP is no longer consistent with the development plan for the area the planning authority shall as soon as may be (and not later than one year following the making of the development plan) amend the LAP to make it consistent.

priorities, core retail area⁵, settlement consolidation sites⁶, strategic employment sites, constraints such as flooding and any further relevant key future priorities;

- (ii) 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; and
- (iii) indicate a clear commitment to prepare supporting Local Transport Plans or Area Based Transport Assessments in consultation with the National Transport Authority and Transport Infrastructure Ireland, where relevant, consistent with Regional Policy Objective 157.

Advice Note: The planning authority may wish to give consideration to the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021) which includes information with respect to extant permissions and settlement capacity audits.

1.6 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 serviced land assessment provided in Volume 2 of the draft Plan sets out an analysis of those lands which are included within the level 3, 4 and 5 settlement boundaries. However, it is unclear which sites are identified as tier 1 and/or tier 2 lands as per the 'Methodology for a Tiered Approach to Land Zoning' as set out in the NPF, and it is unclear therefore 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.

⁵ As discussed in Section 4.3 of this letter

⁶ As per Section 6.4.2 of Development Plan Guidelines for Planning Authorities 2021



Furthermore, in a number of cases, the basis for concluding that the site would contribute to compact growth is not clear. In this regard, the Office considers that further clarity is required to ensure consistency with NPO 72(a-c) and there should be a policy commitment to prepare a more detailed Infrastructure Assessment Report to inform the local area plans for the larger settlements.

Recommendation 5

Recommendation 5 - Tiered Approach to Zoning

The planning authority is required to demonstrate that the tiered approach to zoning required under the NPF has been applied in the determining of objectives for the zoning of land in Volume 2 of the draft Plan. The planning authority is required to provide specific details of an infrastructural assessment applying the tiered approach to zoning (NPO72a, NPO72b and NPO72c refer), in accordance with the methodology set out in Appendix 3 of the NPF and specifically to:

- (i) update the Serviced Land Assessment in Volume 2, and the settlement plans as required, to clearly identify what lands are considered to be tier 1 and tier 2 for all the land use zoning types;
- (ii) provide an evidence-based approach on the evaluation of the lands to deliver compact growth for the settlements over the plan period in accordance with section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021); and
- (iii) insert an objective in the next iteration of the development plan committing to the preparation of detailed infrastructure assessments, consistent with NPO 72 and the methodology for a Tiered Approach to Zoning under Appendix 3 of the NPF, to inform the development strategy for future Local Area Plans in the county.



2. Compact Growth and Regeneration

2.1 Regeneration Delivery

It is noted that URDF and RRDF funding have proved successful for numerous projects across many towns in County Tipperary and the planning authority is to be commended for this. Further, the Office acknowledges strategic objectives SO-2 which sets out to promote the development of the key towns as economic drivers and significant population and service centres and SO-3 which supports the implementation of the settlement hierarchy in regenerating the towns and villages creating vibrant town centres, attracting new residents and delivering quality residential neighbourhoods.

The Office welcomes the inclusion of land use zoning maps which identify 'Opportunity sites' in the tier 3 and 4 settlements and acknowledges the significant resource and commitment that has gone into the preparation of these maps which are a key tool for achieving the plans objectives in a general sense. However, the planning authority should include on the land use zoning maps those lands that will contribute to the compact growth target and accommodate infill/brownfield development⁷.

Recommendation 6

Recommendation 6 - Compact Growth

Having regard to the national policy objective for compact growth NPO 3c and the corresponding regional policy objectives in the *Regional Spatial and Economic Strategy*, the planning authority is required to:

- (i) quantify and identify 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 demonstrate consistency with the housing and population requirements set out in the amended Core Strategy and policy promoting compact growth through application of the brownfield definition as

⁷ Section 1.3.6 Appendix A of the Draft Development Plan Guidelines set out guidance on this

set out in the *Sustainable Residential Development in Urban Area Guidelines for Planning Authorities* (2009); and

- (ii) set out a clear timeline and strategic approach to carrying out the Active Land Management approach and to set measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation can be monitored and measured.

Development Plans, Guidelines for Planning Authorities – Draft for Consultation (August 2021) (Appendix A) provides a useful reference and illustrative example for the presentation of this information in the core strategy table.

2.2 Specialised Housing

2.2.1 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.

2.2.2 Traveller Accommodation

Section 5.4 of the draft Plan addresses specialised housing requirements of certain sectors of society and Planning Objective 5-G objective seeks to implement the Traveller Accommodation Programme 2019-2024. The Office also welcomes the identification of existing and projected need for Traveller accommodation as detailed in the Tipperary *Traveller Accommodation Programme 2019-2024* (TAP) set out in the Housing Strategy.

The Office considers, however, that the draft Plan does not demonstrate how these needs will be met through implementable objectives. Furthermore, 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 include more specific objectives in the plan for the provision of accommodation for Travellers to provide for the estimated need identified in Tipperary's *Traveller Accommodation Programme 2019 - 2024* in accordance with the legislative requirements under section 10 (2)(i) of the *Planning and Development Act 2000* (as amended). This will include the identification of specific locations in the land use zoning maps for the county.

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.

2.3 Standards and Guidelines

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. 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 Volume 3, Appendix 6 of the draft Plan which could militate against the principle of promoting appropriate density and compact growth in the higher order tier settlements, including:

- minimum separation distances between opposing windows;
- minimum private open space provision for houses; and
- provision of minimum car parking standards instead of maximum standards

Observation 2

Observation 2 - Development Management Standards

In accordance with section 10(2A)(a) of the *Planning and Development Act 2000* (as amended), and having regard to NPO 3, 6, 13 and 35, the planning authority is required to:

- (i) remove the minimum separation distances between opposing windows and private open space provision 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;
- (ii) review the car parking standards in Volume 3, Appendix 6, Table 5 (pp.39-40) in consultation with the National Transportation Authority and clarify that the standards (which may be revised) are maximum; and
- (iii) provide clarity on the expected minimum density for town/village centre and infill/brownfield sites acknowledging that these will be determined on a site specific basis.

3. Rural Housing and Rural Regeneration

The Council's rural housing policy approach is considered to be evidence-based, reasonable and consistent with the legislative and policy context, including NPO 19 and the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005).

The Office commends the planning authority for the evolution of their design and best practice guidelines for cluster housing schemes in rural villages. The policy approach of the Council to discourage urban generated housing in rural areas and to direct same to urban centres, towns and villages, including through the provision of a mix of house types and cluster housing in towns and villages as an alternative to individual housing, will support the regeneration of rural villages and small towns. However, the approach proposed must also be cognisant of the need to be consistent with national and regional objectives for compact growth and justified on an evidence-based approach which can be addressed through Recommendation 2 - part (iii).

The Office also notes that lands have been zoned in rural settlement centres across the county to facilitate employment generation development. The draft Plan can therefore be seen to strongly support the development of rural areas in a planned and sustainable manner.

However, it is noted that although the draft Plan considers the existing registered quarries in the county, it does not identify or map the location of major deposits as advised by the section 28 *Quarries and Ancillary Activities Guidelines for Planning Authorities* (DEHLG, 2004) and the guidelines are not referenced in the draft Plan. The NPF highlights the key role of the planning process in realising the potential of extractive industries in identifying and protecting important mineral reserves for future use.

Observation 3

Observation 3 – Extractive Industry

Having regard to the provisions of section 28 *Quarries and Ancillary Activities Guidelines for Planning Authorities* (DEHLG, 2004) and to the important role that extraction activities play in the rural economy, the planning authority is advised to prioritise the identification of major mineral deposits in the development Plan, including through mapping as appropriate.

4. Economic Development and Employment

4.1 Employment Zoned Land

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 economic policy set out by the RSES provides the framework for the development of an economic strategy for the County, and together with the *Local Economic Community Plan* will provide specific information from which the draft Plan can provide the spatial components for.



NPO 10 b requires regional and local authorities to identify and quantify locations for strategic employment development, where suitable, in urban and rural areas generally.

However, there is no indication what baseline information has been used for the provision of employment lands within the settlements and only two strategic employment locations are listed in Chapter 8 in Clonmel (121ha) and Nenagh (38ha) which are not identified on maps. Furthermore, volume 2 identifies lands for employment uses within the tier 3 and 4 settlements and planning objective 8-D promotes the strategic employment locations identified in towns, but there is no clear policy approach provided for the inclusion of these lands (for example in Mullinahone and Clogheen).

Although the Office appreciates the need for the planning authority to facilitate employment generating development through zoning sufficient lands, some of the zonings would appear to conflict with the principle of compact growth and the sequential approach, providing little opportunity for public transport and active travel. This is also contrary to Strategic Objective SO-9 of the draft Plan to promote sustainable transport through the integration of land use and transport planning and promotion of public transport.

Recommendation 8

Recommendation 8 – Lands Zoned for Employment Uses

Having regard to National Policy Objectives NPO 3c and 10 b, the planning authority is requested to reconsider the approach to economic and enterprise zonings throughout the county, having regard to the requirement to:

- (i) implement the Tiered Approach to Zoning under NPO 72a-c of the NPF; and
- (ii) mitigate climate change through sustainable settlement and transport strategies under section 10(2)(a) of the *Planning and Development Act 2000* (as amended), including future-proofing through more compact forms of development including the prioritisation of locations that are served, or that

over the lifetime of the Plan, will be served by the public transport and active travel networks necessary to facilitate sustainable travel.

4.2 Rural Economy & Tourism

The Office acknowledges that the draft Plan gives particular attention to the rural economy and to tourism consistent with NPO 23. The Office notes that the inclusion of policies in the draft Plan which support the development of holiday and tourist accommodation purposes and commends the planning authority for the clear strategy to encourage and support this type of accommodation to locate within existing settlements.

4.3 Retail

The Office welcomes the broad alignment of the retail hierarchy with the core settlement hierarchy and commends the planning authority for the inclusion of a policy objective to support the 'Town Centre First' approach. The retail strategy as presented complies with the requirements of the *Retail Planning Guidelines for Planning Authorities* (2012). However it is noted that no 'primary retail areas' have been identified, notwithstanding this being referenced in section 7.3.2, and the land use maps provided in Volume 2 encompass a substantial area within the 'town centre' land use zone. It is considered that a more concise definition of the core shopping area, particularly within the larger settlements would enable the planning authority to better manage, protect and enhance the retail offer and vitality of the main shopping areas of the town which can be addressed in response to Recommendation 4.

5. Sustainable Transport and Accessibility

The Office welcomes the overriding objective SO -9 in the draft Plan to promote sustainable transport through the integration of land use and transport planning and the promotion of public transport, walking and cycling. The draft Plan indicates that the focus will be on the reduced need to travel and the development of 10-minute towns, where people live close to their workplace, community facilities and services.

The planning authority is commended for setting out targets to achieve a modal shift to sustainable transport which will provide the planning authority with a tool to measure the effectiveness of its sustainable transport strategy consistent with the requirements of 10(2)(n) of the Act, however, the source of the 2016 baseline figures should be referenced. The inclusion of sustainable transport within the “sustainability statement for commercial and employment developments” and requirement for mobility management plans to be submitted in Volume 3, Appendix 6 is also positive.

The Office welcomes the commitment in the draft Plan to prepare local transport plans and area based transport plans in consultation with the National Transport Authority (NTA). Notwithstanding, it is considered that the draft Plan would benefit from the inclusion of a policy to consult with the NTA and Transport Infrastructure Ireland (TII) on the preparation of a Park and Ride Strategy and Area Based Transport Assessments in relation to servicing the strategic employment zones and making sustainable transport modes more accessible.

Observation 4

Observation 4 – Modal Share and Sustainable Transport

Having regard to the requirement to include objectives for sustainable settlement and transport strategies under section 10(2)(n) of the *Planning and Development Act 2000* (as amended), the planning authority is advised that the following amendments would further improve the overall sustainability of the approach to transport under Chapter 12 and consistency of the Plan with strategic objectives SO-9:

- (i) set out a clear commitment to the preparation of a Park and Ride Strategy and Area Based Transport Assessments in consultation with the National Transport Authority and Transport Infrastructure Ireland, particularly for the strategic employment zones identified; and
- (ii) reference the source of the 2016 baseline modal shift figures provided in Table 12.1 (p.145).



5.1 Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

The Office has reviewed the plan in the context of the section 28 guidelines. It is considered that there is scope to improve cross linkage between sections within the plan to ensure that the policy on national roads is clear and unambiguous. A number of key policies and objectives of the plan should be strengthened and enhanced to improve alignment/consistency with the section 28 guidelines and safeguard the national network.

Recommendation 9

Recommendation 9 – Spatial Planning and National Roads Guidelines for Planning Authorities (2012)

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), and consistency with the *section 28 Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, the planning authority is requested to revisit and strengthen the transport aspects of the following:

- (i) strengthen the Core Strategy objectives to reflect strategic objectives relating to safeguarding the strategic function of the existing national road network, and associated junctions;
- (ii) include additional text to Policy 12-4 to state that the creation of any additional access points to national roads to which speed limits greater than 60kmh apply will be avoided and a cross reference of this in section 5.5 and section 8.4 of the draft Plan that relates to development in the rural areas;
- (iii) review section 12.5.2 consistent with section 2.6 of the aforementioned Guidelines to identify stretches of national roads where a less restrictive approach may be applied as part of the process of reviewing the development plan; and
- (iv) incorporate a reference to TII Publications Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads' in



the Development Plan in association with reference to Design Manual for Urban Roads and Streets.

6. Strategic Water Infrastructure

The Water Supply Project (WSP), which involves the abstraction and pumping of raw water from the Lower River Shannon at Parteen Basin and treatment of the water at Birdhill, County Tipperary, in order to deliver a long-term sustainable resilient water supply source for the Eastern and Midlands Region has been identified in the National Planning Framework (NPF) (National Strategic Outcome 9). The project is also included in the National Development Plan where it identifies the WSP⁸ as a strategic national project and a significant infrastructure development project to meet future economic, housing and population demands (Strategic Investment Priority 9). Further, NPO 63 sets out to ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources.

The Office would, therefore, have expected the draft Plan to include a policy objective in respect of the project given its strategic national, regional and local importance. It further notes that the draft county development plans in Offaly⁹ and South Dublin¹⁰ have provided a policy support for this project within their draft Plans.

Recommendation 10

Recommendation 10 - Strategic Water Supply Project

Having regard to National Strategic Outcome 9, National Policy Objective 63 and RPO 209, the planning authority is required to include a policy objective in the draft Plan which supports the sustainable development of the strategic water supply project for the Midlands and Eastern Region.

⁸ Table 14.1, Box 14.1 of National Development Plan 2021 - 2030

⁹ Policy WSP 13 Offaly County Development Plan 2021-2027 - Draft Plan

¹⁰ Objective IE2 Objective 2 Draft South Dublin County Development Plan 2022-2028



7. Climate Action and Renewable Energy

7.1 Climate Action

The Office welcomes the inclusion of climate change as a cross-cutting principle of the draft Plan and the detail set out in Table 3.1 (pp.41-43) which provides an overview of how and where climate change mitigation and adaptation have been addressed in the other chapters of the draft Plan. *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021) place considerable emphasis on climate action (adaptation and mitigation). Balancing growth with sustainable approaches to development, land-use and transportation are key policy decisions to be made through the development plan.

To this end in responding to the recommendations relating to compact growth (Recommendation 6), renewable energy (Recommendation 11) and flood risk management (Recommendation 12) will be crucial to ensure compliance with the requirements set out under section 10(2)(n) of the Act and the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021).

Observation 5

Observation 5 – Climate Action

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the recent *Climate Action and Low Carbon Development (Amendment) Act 2021* and the *Climate Action Plan 2019*, the planning authority is advised that the draft Plan should also include an objective to consider a variation of the development plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the development plan will be consistent with the approach to climate action recommended in the revised *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021) as adopted or any other relevant guidelines.



7.2 Renewable Energy

The Office acknowledges that the current *County Tipperary Renewable Energy Strategy 2016*, including the Wind Strategy, will be reviewed during the plan-period. The planning authority is advised to include a commitment to review the strategy within one year of the plan being adopted having regard to the urgency of climate action needs.

More significantly however, there is no indication of how the implementation of the development plan will contribute to realising national targets on renewable energy and climate change mitigation and, in particular, wind energy production and the potential wind energy resource (in megawatts) as required by the Specific Planning Policy Requirement (SPPR) in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change (2017)*.

Areas suitable, or otherwise, for wind energy potential are identified in Wind Energy Policy Areas Map 11 in Volume 3, Appendix 2. However, it is noted from Table 6.2 Wind Energy Areas – Sieve Mapping Summary Matrix (pp.A33-A34) states that an exclusion criterion for areas “*within 1km of CSO urban areas*” has been applied. No evidence-based approach is provided for the 1km separation distance and it has no basis in national or regional policy. Crucially, the result of the separation distance from CSO boundaries in all urban areas with a total population of 1,500 or more would significantly undermine the contribution of the development plan to meeting national renewable energy targets under the Climate Action Plan, and specifically the SPPR contained in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* which states “*Demonstrate detailed compliance with item number (2)¹¹ above in any proposal by them to introduce or vary a mandatory setback distance or distances for wind turbines from specified land uses or classes of land use into their development plan or local area plan...*”.

The Office advises that the inclusion of the exclusion criterion, which is in effect a setback distance, is considered contrary to the SPPR contained in above section 28 Ministerial Guidelines.

¹¹ Development Plan’s contribution to realising overall national targets on renewable energy



Furthermore, there are conflicts between the draft Tipperary County Development Plan 2022-2028 and the draft plans prepared for Kilkenny, Laois and Offaly. In this respect, the attention of the planning authority is drawn to section 9(4) of the Act, which requires planning authorities to co-ordinate the objectives in the development plan with those of neighbouring authorities, except where planning authorities consider it inappropriate or not feasible to do so.

Recommendation 11

Recommendation 11 - Renewable Energy Targets & Wind Energy

In accordance with the provisions of section 28(1C) of the *Planning and Development Act 2000* (as amended), and having regard to the government's commitment in the *Climate Action Plan 2019* 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 targets on renewable energy and climate change mitigation and, in particular, wind energy production and the potential wind energy resource (in megawatts) in the county. In the absence of any nationally or regionally determined targets for County Tipperary specifically, you are advised to demonstrate appropriate metrics in this regard, which could include Tipperary'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;
- (ii) demonstrate that the existing *Renewable Energy Strategy* (2016) is consistent with the delivery of part (i);

- (iii) remove the exclusion criterion applied in the sieve mapping analysis to exclude areas within 1km of CSO urban areas and revise Map 11 'Wind Energy Policy Areas' accordingly; and
- (iv) coordinate the objectives for wind energy development in the development plan, with those of the neighbouring counties, to ensure a coordinated Wind Energy Strategy across the region. Particular coordination shall be required with Kilkenny, Laois and Offaly County Councils, where current conflicts arise in the identification of preferable locations in the consideration of their recently published Development Plans.

7.3 Flood Risk Management

The Office has a number of serious concerns regarding flood risk management and the Strategic Flood Risk Assessment (SFRA) that has been prepared for this development plan, and it will be crucial that these issues are fully resolved at the Material Alterations stage. In particular, the following is noted:

- SFRA does not include the key towns or district towns.
- The 'constrained land use approach' referenced in section 4.3 of SFRA has not been included. If this approach is to be used, specific policy objectives should be included consistent with the Guidelines.
- The flood risk maps are not overlain on the zoning maps to provide clarity and inform decision making on individual planning applications.
- A county-wide justification test has been applied which is inconsistent with the requirements of the *section 28 The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)*. Under section 4.23 of the Guidelines, where a planning authority is considering (in the plan) the future development of areas at risk of flooding that would generally be inappropriate under the sequential approach (section 3.2), the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning will satisfy the Justification Test for the plan making stage



(Box 4.1). A plan making justification test is therefore required in respect of relevant land zoned in Flood Zone A and B.

The Office considers that the incorporation of flood risk identification, assessment and management in accordance with the section 28 guidelines must be reviewed and addressed within the draft Plan to ensure that the key principles for flood risk management are applied.

Recommendation 12

Recommendation 12 - Flood Risk Management

Having regard to the detailed requirements of *The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009)* and the *Department of Environment, Community and Local Government Circular PL 2/2014*, the planning authority is required, in consultation with the OPW, to revisit the Strategic Flood Risk Assessment including:

- (i) the land use zoning maps are overlaid with the flood maps prepared in the Strategic Flood Risk Assessment in order to clearly outline the sites at risk of flooding;
- (ii) a Plan-making justification test is carried out and can be satisfied for the specific land use zonings within Flood Risk A and B that include developments classified as highly vulnerable development;
- (iii) omit or amend proposed zonings that cannot meet the Justification Test in accordance with the provisions of the Guidelines and Circular; and
- (iv) any use of the 'constrained land use approach' must be supported by specific policy objectives consistent with the Guidelines.

The Office of Public Works should be consulted in relation to the matters raised in this recommendation.



8. Environment, Heritage and Amenities

The Office acknowledges the comprehensive and systematic approach taken by the planning authority to address the wide range of issues relevant to the protection, preservation and improvement of environmental and built heritage and amenities, including Chapter 11, Environment and Natural Assets, Chapter 13 Built Heritage and Chapter 14 Green and Blue Infrastructure together with Volumes 3 and 4 to address the mandatory objectives relating to environment and heritage conservation and protection. The Office commends the planning authority for the inclusion of the heritage and archaeological maps in Volume 2 for the settlements.

8.1 Public Rights of Way

Section 14.5.1 sets out the Public Rights of Way and includes a list of ‘the major recreational trails’. Policy 14-2 seeks to preserve and protect the rights of way but there no maps to illustrate any existing or proposed.

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 6

Observation 6– Public Rights of Way

Having regard to the requirements of Section 10(2)(o) of the *Planning and Development Act 2000* (as amended), the planning authority is advised to prepare and include maps identifying public rights of way.

8.2 Environmental Reports

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, having incorporated mitigation measures, the draft Plan will not adversely affect (either directly or indirectly) the

integrity of any European site, either 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.

Notwithstanding, in accordance with the provisions of the *Planning System and Flood Risk Management Guidelines for Planning Authorities*, the Office considers that findings of the Strategic Flood Risk Assessment should be better integrated with the SEA process, including comprehensively addressing land use zoning and the justification test undertaken therein.

9. Implementation and Monitoring

The Office welcomes the insertion of Chapter 16 ‘Implementation and Monitoring’ having regard to the guidance in the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021), which indicates that planning authorities will need to establish a strong, frequent and ongoing monitoring system for the implementation of their development plan and the performance of their objectives. The draft guidelines recommend a monitoring task for the strategic functions in relation to Core Strategy Monitoring and Plan Objectives Monitoring. The Office would advise that implementation and monitoring would be best to focus on the anticipated or proposed key outcomes of the plan, as determined by the planning authority, such the core strategy (e.g. population growth and housing delivery), urban and rural regeneration, the sustainable transport strategy (e.g. modal share, preparation of Local Transport Plan), climate action (e.g. renewable energy development, biodiversity and landscape (e.g. status of designate habitats) and others.

Observation 7

Observation 7 – 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), and the commitment of the planning authority to securing and monitoring the implementation of the strategies, policies and objectives of the draft Plan, the



planning authority is advised to consider how Appendix 'Implementation and Monitoring' could be amended to ensure that any monitoring is strategic in nature consistent with Part 10 of the *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021).

10. General and Procedural Matters

The Office commends the planning authority for keeping the length of the Written Statement relatively concise, especially in view of the significant challenge of formulating a plan for the combined county area for the first time.

Furthermore, in terms of format, the chapters are presented in a standardised format that is easily followed and understood. The accessibility of the individual chapters in the online version also make it easier for the public to access the relevant information.

Finally, having regard to the recently *Development Plans, Guidelines for Planning Authorities – Draft for Consultation* (August 2021), the planning authority should consider revising the zoning objectives in the draft Plan to align with the standardised zoning objectives in Appendix B of the Guidelines. This will assist in providing a consistent approach to zoning nationally and aid the understanding of zoning objectives by the public and the development sector alike.

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



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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.

Is mise le meas,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive, slightly slanted style.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
